Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 28th July 1984 / 6th Sravana 1906 [No. 661

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 6414/LA.1/84. *Dated, Trivandrum, 28th July, 1984/ 6th Sravana 1906.*

In exercise of the powers conferred by sub-clause (a) of clause 2 of Article 174 of the Constitution of India, the Governor of the State of Kerala hereby prorogues the Sixth Session of the Seventh Kerala Legislative Assembly with effect from July 28, 1984.

ഇൻഡ്യൻ ഭരണഘടന 174–ാം അനുച്ഛേദം 2–ാം ഖണ്ഡം (എ) ഉപ ഖണ്ഡപ്രകാരം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് കേരള സംസ്ഥാന ഗവർണർ ഏഴാം കേരള നിയമസഭയുടെ ആറാം സമ്മേളനം 1984 ജൂലായ് 28-ാം തീയതി മുതൽ സമാപിപ്പിച്ചിരിക്കുന്നു.

By order of the Governor,

K. P. PADMANABHAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3254/MC.

Government of Kerala
1984

Reg. No. KL/TV(N)/19



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 28th July 1984 / 6th Sravana 1906 [No. 662

GOVERNMENT OF KERALA

Law (Legislation–A) Department

NOTIFICATION

No. 4680/Leg. A2/82/Law. *Dated, Trivandrum, 28th July, 1984/ 6th Sravana, 1906.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 28th day of July, 1984.

By order of the Governor,
K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3255/MC.

ACT 17 OF 1984

THE KERALA FINANCE ACT, 1984

An Act to give effect to the financial proposals of the Government of Kerala for the financial year 1984-85.

Preamble.—WHEREAS it is expedient to give effect to the financial proposals of the Government of Kerala for the financial year 1984-85;

Be it enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Finance Act, 1984.

(2) It shall be deemed to have come into force on the 1st day of April, 1984.

2. *Amendment of Act* 15 *of* 1963.—In the Kerala General Sales Tax Act, 1963 (15 of 1963),—

(i) in section 2,—

(a) in clause (viii),—

(A) in the opening paragraph, after the words "or distributing goods", the words "executing works contract, transferring the right to use any goods or supplying by way of or as part of any service, any goods" shall be inserted;

(B) in sub-clause (c), after the words "or distributing goods", the words "executing works contract, transferring the right to use any goods or supplying by way of or as part of any service, any goods", shall be inserted;

(C) in sub-clause (d), for the word "association", the words "association or body of persons, whether incorporated or not" shall be substituted;

(D) after sub-clause (e) and before *Explanation* (1), the following sub-clause shall be inserted, namely:—

"(f) a person who, whether in the course of business or not,—

(1) transfers any goods, including controlled goods, whether in pursuance of a contract or not, for cash or deferred payment or other valuable consideration;

(2) transfers property in goods (whether as goods or in some other orm) involved in the execution of a works contract;

(3) delivers any goods on hire-purchase or any system of payment by instalments;

(4) transfers the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration;

(5) supplies, by way of or as part of any service or in any other manner whatsoever, goods, being food or any other article for human consumption or any drink (whether or not intoxicating), where such supply or service is for cash, deferred payment or other valuable consideration.";

(E) in *Explanation* (1), for the words "an association" the words "an association or body of persons, whether incorporated or not" shall be substituted;

(b) in clause (xii), after the words "used in the", the words "construction, fitting out, improvement or repair of immovable property or used in the" shall be inserted;

(c) in clause (xviii), for the words "purchases or sells goods", the words "carries on business" shall be substituted;

(d) in clause (xxi),

(A) after the words "every transfer", the words "whether in pursuance of a contract or not" shall be inserted;

(B) in *Explanation* (2), for the words "any association", the words "any association or body of persons, whether incorporated or not" shall be substituted;

(C) in *Explanation* (3), the following words shall be added at the end, namely:—

"on the date of delivery of the goods in pursuance of the agreement of such hire-purchase or other system of payment in instalments.";

(D) after *Explanation* (3), the following *Explanations* shall be inserted namely:—

"*Explanation* (3A).—A transfer of property in goods involved in the execution of a works contract shall be deemed to be a sale.

Explanation (3B).—A transfer of right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration, shall be deemed to be a sale.

Explanation (3C).—Any supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), where such supply or service is for cash, deferred payment or other valuable consideration, shall be deemed to be a sale.

Explanation (3D).—Unless otherwise expressly provided in this Act, any transfer, delivery or supply of any goods referred to in this clause shall be deemed to be a sale of those goods by the person making the transfer, delivery or supply and purchase of those goods by the person to whom such transfer, delivery or supply is made.";

(e) in clause (xxvii) after *Explanation* (1), the following *Explanation* shall be inserted, namely:—

"*Explanation* (1A).—(i) The turnover in respect of works contract shall be the aggregate amount received or receivable by the dealer for carrying out such contract less such portion representing labour charges as may be prescribed;

(ii) The turnover in respect of delivery of goods on hire purchase or on any system of payment by instalments shall be the market price of the goods so delivered.

(iii) The turnover in respect of the transfer of the right to use any goods shall be the aggregate amount received or receivable by the dealer as consideration for such transfer.";

(f) after clause (xxix), the following clause shall be inserted, namely:—

"(xxix a) "works contract" includes any agreement for carrying out, for cash or for deferred payment or other valuable consideration, the construction, fitting out, improvement, repair, manufacture, processing, fabrication, erection, installation, modification or commissioning, of any movable or immovable property.";

(ii) in section 5,—

(a) in sub-section (1),—

(A) in the opening paragraph, for the words "seventy-five thousand rupees", the words "one lakh rupees" shall be substituted;

(B) in clause (i), the word "and" occurring at the end shall be omitted;

(C) for clause (ii), the following clauses shall be substituted, namely:—

"(ii) in the case of goods not specified in the First or Second Schedule and not coming under clause (iii), at the rate of five per cent at all points of sale; and

(iii) in the case of transfer of the right to use any goods for any purpose (whether or not for a specified period), at the rate of five per cent at all points of such transfer on an aggregate turnover of fifty thousand rupees and above.";

(b) in sub-section (2), for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(iii) in section 5A,—

(a) in sub-section (2),—

(A) for the words "seventy-five thousand rupees", the words "one lakh rupees" shall be substituted;

(B) in the proviso, for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(b) in sub-section (3), for the words "seventy-five thousand rupees" and "eighty thousand rupees", the words "one lakh rupees" and "one lakh and ten thousand rupees" shall, respectively, be substituted;

(iv) in sub-section (1) of section 7,—

(a) for the words "seventy-five thousand rupees" and "eighty thousand rupees", the words "one lakh rupees" and "one lakh and ten thousand rupees" shall, respectively, be substituted;

(b) for the words "two per cent", the words "two and a half per cent" shall be substituted;

(v) in section 13,—

(a) in sub-section (1), for the words "seventy-five thousand rupees", the words "one lakh rupees" shall be substituted;

(b) in sub-section (2), for the words "twenty-five thousand rupees", the words "fifty thousand rupees and every dealer liable to pay tax under clause (iii) of sub-section (1) of section 5" shall be substituted;

(vi) in section 17, in sub-section (4), for the first proviso, the following proviso shall be substituted, namely:—

"Provided that the provisions of this sub-section shall not apply if the tax due as specified in the return is less than the tax assessed according to the latest completed assessment by more than twenty-five per cent:";

(vii) after section 19A, the following section shall be inserted, namely:—

"19B. *Assessment in case of undervaluation.*—(1) If the assessing authority is satisfied that a dealer has, with a view to evade the payment of tax, shown in his accounts, sale or purchase of any goods at prices lower than the prevailing market price of such goods, it may estimate the value of each goods on the basis of the prevailing market price and assess or reassess the dealer to the best of its judgment, after making such enquiry as it may consider necessary and after affording the dealer a reasonable opportunity of being heard.

(2) The provisions of sub-sections (2) to (4) of section 19 shall apply to the assessment or reassessment under sub-section (1).";

(viii) in section 22, in sub-section (1), the words "and pay over the same to the Government in the manner prescribed." shall be added at the end;

(ix) after section 30, the following section shall be inserted, namely:—

"30A. *Procedure for transport of notified goods.*—(1) The driver or other person in charge of a vehicle or vessel shall stop the vehicle or vessel at any place when so required by any officer, authorised by the Government in this behalf, for the purpose of enabling such officer to verify whether the goods are being transported in contravention of sub-section (1) of section 30.

(2) If, on verification, such officer has reasons to suspect that the goods are being transported in contravention of sub-section (1) of section 30, he may, for reasons to be recorded in writing, detain the goods and shall proceed in accordance with the provisions of section 29A.";

(x) in section 34, in sub-section (1),—

(a) after the word, figures and letter "section 19A", the word figures and letter "section 19B" shall be inserted;

(b) for the words and figures "or section 30", the words, figures and letter "section 30 or section 30A" shall be substituted;

(c) in the second proviso, after the word and figures "section 19" the words, figures and letter "or section 19B" shall be inserted.

(xi) in the First Schedule,—

(1) after Serial Number 10 and the entries relating thereto, the following Serial Numbers and entries shall be inserted, namely:—

"10A	Flour not included in the Second Schedule	At the point of first sale in the State by a dealer who is liable to tax under section 5	4
10B	Vermicelli, sada and semia	do.	8";

(2) after Serial Number 15 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"16.	Dried fruits	At the point of first sale in the State by a dealer who is liable to tax under section 5	8";

(3) after Serial Number 19 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"19A.	Saccharine	At the point of first sale in the State by a dealer who is liable to tax under section 5	10";

(4) after Serial Number 20 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"20A.	Sweets not elsewhere mentioned in this Schedule	At the point of first sale in the State by a dealer who is liable to tax under section 5	8";

(5) in the entry in column (3) against Serial Number 21, for the word "sale", the word "purchase" shall be substituted;

(6) after Serial Number 26 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"26A.	Compounded asafoetida	At the point of first sale in the State by a dealer who is liable to tax under section 5	8";

(7) after Serial Number 28 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"28A.	Cocoa	At the point of last purchase in the State by a dealer who is liable to tax under section 5	6";

(8) for the entries in column (2) against Serial Number 42, the following shall be substituted, namely:—

"Artificial silk yarn, synthetic polyester fibre, polyester fibre yarn and staple fibre yarn";

(9) after Serial Number 46 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"46A.	Stainless steel rods and sheets	At the point of first sale in the State by a dealer who is liable to tax under section 5	8";

(10) after Serial Number 47 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

"47A.	Scented arecanut	At the point of first sale in the State by a dealer who is liable to tax under section 5	8";

(11) after Serial Number 49 and the entries relating thereto, the following Serial Numbers and entries shall be inserted, namely:—

"49A.	Ganja and opium	At the point of first sale in the State by a dealer who is liable to tax under section 5	50
49B.	Soap stone	do.	8
49C.	Sandalwood and sandalwood chips	do.	6
49D.	Betal leaves	At the point of last purchase in the State by a dealer who is liable to tax under section 5	5
49E.	Ayurvedic herbs	do.	5";

(12) after Serial Number 56 and the entries relating thereto and before the *Explanation* thereunder, the following Serial Numbers and entries shall be inserted, namely:—

"56A.	Asphalt (Bitumen)	"At the point of sale in the State by any oil company liable to tax under section 5, except where the sale is by an oil company to another oil company.";	8
56B.	Shell Hexane	do.	8
56C.	White Oil	do.	8
56D.	Spray Oil	do.	8
56E.	Process Oil	do.	8
56F.	Jet Petrol	do.	4
56G.	Mineral Turpentine	do.	8
56H.	Solvent 1425	do.	8
56I.	Cutting Oil	do.	8
56J.	Solvent Oil	do.	8
56K.	Paraffin wax	do.	8
56L.	Low sulphur heavy stock	do.	8
56M.	Glass cleaner	do.	8";

(13) in the *Explanation* below the entries relating to Serial Number 56, for the figures "56", the figures and letter "56M" shall be substituted;

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 10544/Leg. C1/84/Law. *Dated, Trivandrum, 28th July* 1984/ *6th Sravana,* 1906.

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,
K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3272/MC

ORDINANCE No. 57 OF 1984

THE GANDHIJI UNIVERSITY ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to establish and incorporate a University at Kottayam by the name Gandhiji University.

Preamble.—WHEREAS the Gandhiji University Ordinance, 1983 (34 of 1983), was promulgated by the Governor of Kerala on the 1st day of October, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Gandhiji University Ordinance, 1984 (12 of 1984), was promulgated by the Governor of Kerala on the 6th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 12 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of the Ordinance 12 of 1984, the Gandhiji University Ordiance, 1984 (35 of 1984), was promulgated by the Governor of Kerala on the 13th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 35 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 35 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Ordinance may be called the Gandhiji University Ordinance, 1984.

(2) It shall be deemed to have come into force on the 2nd day of October, 1983.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(1) "Academic Council" means the Academic Council of the University;

(2) "affiliated college" means a college affiliated to the University in accordance with the provisions of this Ordinance and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(3) "annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 20 and declared by the Statutes to be the annual meeting of the Senate;

(4) "Appellate Tribunal" means the Appellate Tribunal constituted under sub-section (1) of section 67;

(5) "Board of Studies" means a Board of Studies of the University;

(6) "Chancellor" means the Chancellor of the University;

(7) "college" means an institution maintained by, or affiliated to the University, in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(8) "department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;

(9) "educational agency" means any person or body of persons who or which establishes and maintains a private college or more than one private college;

(10) "faculty" means a faculty of the University;

(11) "Government college" means a college maintained by the Government and affiliated to the University;

(12) "hostel" means a unit of residence for the students of the University, or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Ordinance or the Statutes or Ordinances;

(13) "non-teaching staff" of the University or a college means the employees of the University or that college, other than teachers;

(14) "prescribed" means prescribed by the Statutes, Ordinances, Regulations, rules or bye-laws made under this Ordinance;

(15) "principal" means the head of a college;

(16) "private college" means a college maintained by an educational agency other than the Government or the University and affiliated to the University;

(17) "Pro-Chancellor" means the Pro-Chancellor of the University;

(18) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;

(19) "recognised institution" means an institution for research or special studies, other than an affiliated college, recognised as such by the University;

(20) "registered graduates" means graduates registered under the provisions of this Ordinance and the Statutes and includes graduates deemed to be registered graduates;

(21) "Senate" means the Senate of the University;

(22) "State" means the State of Kerala;

(23) "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;

(24) "student" means a part-time or full-time student receiving instruction or carrying on research in any of the colleges or recognised institutions;

(25) "Students' Council" means the Students' Council of the University;

(26) "Syndicate" means the Syndicate of the University;

(27) "teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor, or such other person imparting instruction or supervising research in any of the colleges or recognised institutions and whose appointment has been approved by the University;

(28) "teacher of the University" means a person employed as teacher in any institution maintained by the University;

(29) "University" means the Gandhiji University constituted under this Ordinance;

(30) "University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 4;

(31) "University Fund" means the Gandhiji University Fund established under sub-section (1) of section 45;

(32) "Vice-Chancellor" means the Vice-Chancellor of the University;

CHAPTER II

THE UNIVERSITY

3. *The University.*—(1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, and the members of the Senate the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the Gandhiji University.

(2) The headquarters of the University shall be at Kottayam.

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. *Territorial limits.*—(1) The jurisdiction of the University shall extend to the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State.

(2) No educational institution situated beyond the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, be affiliated to the University and no educational institution within the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, seek or continue affiliation to any other University established by law.

5. *Powers of the University.*—Subject to the provisions of this Ordinance, the University shall have the following powers, namely:—

(i) to provide for instruction and training in such branches of learning as the University may deem fit and to make provision for research and for the advancement and dissemination of knowledge;

(ii) to institute degrees, titles, diplomas and other academic distinctions;

(iii) to hold examinations and to confer degrees and other academic distinctions on persons who—

(a) shall have pursued a prescribed course of study in a college under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or

(b) shall have carried on research under prescribed conditions and which has been duly evaluated;

(iv) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;

(v) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;

(vi) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case;

(vii) to supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;

(viii) to recognise hostels which are maintained by bodies other than the University and to withdraw such recognition;

(ix) to exercise such control over the students as will ensure their physical and moral well-being;

(x) to constitute a Board to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges, who may for any reason be aggrieved otherwise than by an act of any court;

(xi) to fix the fees payable to the University and to demand and receive such fees;

(xii) to fix and regulate, with the previous sanction of the Government, the fees payable in colleges and recognised institutions affiliated to the University;

(xiii) with the previous sanction of the Government, to regulate the emoluments and pattern and to prescribe the duties and conditions of service of teachers and non-teaching staff in private colleges;

(xiv) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals and prizes and to organise exhibitions;

(xv) to institute and provide funds wherever necessary for the maintenance of—

(a) a Students' Advisory Bureau;

(b) an Employment Bureau;

(c) a University Union for Students:

(d) University Athletic Clubs;

(e) the National Cadet Corps;

(f) the National Service Corps;

(g) University Extension Boards;

(h) Students' Cultural and Debating Societies;

(i) a Translation and Publication Bureau; and

(j) co-operative societies and other similar institutions for promoting the welfare of students and employees of the University;

(xvi) to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;

(xvii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning;

(xviii) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;

(xix) to direct, manage and control all immovable and movable properties transferred to the University by the Government;

(xx) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognised by the University;

(xxi) to define the powers and duties of the officers of the University other than the Vice-Chancellor;

(xxii) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;

(xxiii) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;

(xxiv) to affiliate to itself colleges in accordance with the provisions of this Ordinance and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges;

(xxv) to institute professorships, readerships, lecturerships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lecturerships and other teaching and research posts;

(xxvi) to establish, maintain and manage hostels;

(xxvii) with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the Government as to security and rate of interest, to borrow any sum of money from the Central Government, any other Government, the University Grants Commission or any other incorporated body; and

(xxviii) generally to do such other acts as may be required to further the aims and purposes of this Ordinance.

6. *University open to all classes and creeds.*—No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University:

Provided that the University may, in consultation with the Government, affiliate any college or recognise any institution, exclusively for women either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

CHAPTER III

THE CHANCELLOR, PRO-CHANCELLOR AND OFFICERS OF THE UNIVERSITY

7. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(3) All the authorities of the University shall be subordinate to the Chancellor and shall be subject to his control.

(4) The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Ordinance, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws:

Provided that, before making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(5) The Chancellor shall, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(6) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(7) An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.

(8) An appeal under sub-section (7) shall be filed within sixty days from the date of service of the order of dismissal on the person concerned.

(9) The Chancellor shall, before passing any order on an appeal under sub-section (7) refer the matter for advice to a Tribunal appointed by him for the purpose.

(10) The Chancellor shall have power to remove the Vice-Chancellor or the Pro-Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:

Provided that such charges are proved by an enquiry conducted by a person who is or has been a Judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor or the Pro-Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(11) The Chancellor shall have such other powers as may be conferred on him by this Ordinance or the Statutes.

8. *The Pro-Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

9. *Officers of the University.*—The following shall be the officers of the University, namely:—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Registrar;

(iv) the Controller of Examinations;

(v) the Finance Officer; and

(vi) such other officers in the service of the University, as may be declared by the Statutes to be officers of the University.

10. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation as hereinafter provided of a Committee appointed by him for the purpose (hereinafter referred to as the Committee).

(2) The Committee shall consist of three members, one elected by the Senate, one nominated by the Chairman of the University Grants Commission and the third nominated by the Chancellor.

(3) The Chancellor shall appoint one of the members of the Committee to be its convener.

(4) The Committee shall make its recommendation within a period of three months of its appointment.

(5) In case the Committee unanimously recommends the name of only one person, the Chancellor shall appoint that person to be the Vice-Chancellor.

(6) In case the Committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by the Committee within the period specified in sub-section (4).

(7) In case the Committee fails to make a unanimous recommendation as provided in sub-section (5) or to submit a panel as provided in sub-section (6), each member of the Committee may submit one name to the Chancellor within the period specified in sub-section (4), and the Vice-Chancellor shall be appointed by the Chancellor, from among the persons whose names have been so submitted.

(8) Non-submission of a name under sub-section (7) by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(9) No person who is more than sixty years of age shall be appointed as Vice-Chancellor.

(10) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment:

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(11) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be determined by the Chancellor.

(12) The Vice-Chancellor shall be the principal academic and executive officer of the University.

(13) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate, the Academic Council, the Students' Council and the Finance Committee and shall be entitled to be present at and to address any meeting

of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(14) In the event of equality of votes at any meeting of the Senate, the Syndicate or the Academic Council or of any other authority, at which the Vice-Chancellor is the Chairman, he shall have and exercise a casting vote.

(15) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Ordinance, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(16) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to the University.

(17) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate or the Academic Council by or under this Ordinance, the Vice-Chancellor may take such action as he deems fit and shall, at the next session of the Syndicate or the Academic Council, as the case may be, report the action taken by him to that authority for such action as it may consider necessary.

(18) Subject to the provisions of the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Deputy Registrar:

Provided that he may delegate any of his powers under this sub-section to the Pro-Vice-Chancellor or the Registrar.

(19) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(20) Notwithstanding anything contained in this Ordinance or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(21) Any person nominated by the Vice-Chancellor under sub-section (20) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(22) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Ordinance, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

(23) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes.

(24) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

(25) In the event of a permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of the Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

11. *The Pro-Vice-Chancellor.*—(1) The Chancellor may, if he considers it necessary, appoint a Pro-Vice-Chancellor.

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

(3) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Pro-Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment.

(5) The salary and other conditions of service of the Pro-Vice-Chancellor shall be determined by the Chancellor.

(6) Subject to the provisions of this Ordinance and the Statutes, Ordinances and Regulations, the powers and functions of the Pro-Vice-Chancellor shall be determined by the Chancellor in consultation with the Vice-Chancellor.

12. *The Registrar.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Registrar of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Registrar shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(3) Suits by or against the University shall be instituted by or against the Registrar.

13. *The Controller of Examinations.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Controller of Examinations of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Controller of Examinations shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

14. *The Finance Officer.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Finance Officer shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

15. *Appointments to be notified.*—The appointments of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Controller of Examinations and the Finance Officer shall be notified in the Gazette.

Chapter IV

AUTHORITIES OF THE UNIVERSITY

16. *Authorities of the University.*—The following shall be authorities of the University, namely:—

(i) the Senate;

(ii) the Syndicate;

(iii) the Academic Council;

(iv) the Faculties;

(v) the Board of Studies;

(vi) the Students' Council;

(vii) the Finance Committee; and

(viii) such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

17. *Senate.*—The Senate shall consist of the following members, namely:—

Ex-Officio Members

(1) The Chancellor.

(2) The Pro-Chancellor.

(3) The Vice-Chancellor.

(4) The Pro-Vice-Chancellor.

(5) The Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him.

(6) The Director of Public Instruction.

(7) The Director of Collegiate Education.

(8) The Secretary to Government or the Additional Secretary to Government, General Education Department, to be nominated by the Government.

(9) The Secretary to Government or the Additional Secretary to Government, Higher Education Department, to be nominated by the Government.

(10) The Director of Technical Education.

(11) The Director of Medical Education.

(12) The Chairman, State Advisory Board of Education.

(13) The Chairman, Kottayam Municipality.

(14) Seven heads of University departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.

(15) Four Deans of the Faculties of the University who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.

(16) The Chairman of the University Union.

Elected Members

(1) Eleven principals elected from among themselves of whom two shall be from among principals of Government Colleges, one from among principals of professional colleges and one from among principals of junior colleges.

(2) Twenty-five members, not being persons eligible to be elected under item (1), (4), (5), (6), (9), (10), (11) or (12) or under item (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected Members" in section 17 of the Kerala University Act, 1974 or under item (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected Members" in section 17 of the Calicut University Act, 1975, elected by the registered graduates from among themselves, of whom one shall be a member of a Scheduled Caste, one shall be a member of a Scheduled Tribe, one shall be the holder of a medical degree and one shall be the holder of an engineering degree.

(3) Six members elected by the members of the Legislative Assembly of Kerala from among the members representing the electorate of the University area, of whom one shall be a member of a Scheduled Caste.

(4) Three members elected by the teachers of the University from among themselves.

(5) Three members elected by the teachers of Government colleges from among themselves.

(6) Twelve members elected by the teachers of private colleges from among themselves.

(7) Three members elected by the Mayors of Municipal Corporations, the Chairmen of municipalities and the presidents of panchayats within the University area from among themselves, of whom one shall be the Mayor of a Municipal Corporation or the Chairman of a municipality.

(8) Two members elected by the registered Trade Unions in the University area designated by Statutes, from among their members.

(9) One member elected by the members of the non-teaching staff of the University from among themselves.

(10) Three members elected by the members of the non-teaching staff of the affiliated colleges from among themselves of whom one shall be a member of the non-teaching staff of a Government College.

(11) Three members elected by the managers of the private colleges in the University area from among themselves.

(12) Ten members elected by the members of the General Council of the University Union from among full-time students, of whom one shall be a post-graduate student, one shall be a research scholar, one shall be the student of a professional college and one shall be a lady student.

Other Members

(1) Two headmasters of High Schools and two teachers of schools, situated within the University area, nominated by the Chancellor.

(2) Not more than nine members nominated by the Chancellor representing (i) recognised research institutions; (ii) recognised cultural associations; (iii) chambers of commerce; (iv) industries; (v) authors; (vi) journalists; (vii) lawyers; (viii) sports; and (ix) linguistic minorities.

(3) Four students nominated by the Chancellor, one having outstanding academic ability in humanities, one having outstanding ability in science, one having outstanding ability in sports and one having outstanding ability in fine arts.

18. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted every four years.

(2) The term of office of any member referred to in items (14) and (15) under the heading "*Ex-officio* Members" in section 17 shall be two years from the date of his nomination.

(3) Every member of the Senate, other than *ex-officio* members, shall, subject to the provisions of this Ordinance and the Statutes, hold office until the next reconstitution of the Senate:

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate:

Provided further that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he is entitled to be a member of the Senate *ex-officio*, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment, and such choice shall be final:

Provided also that the term of office of a member referred to in item (12) under the heading "Elected Members" in section 17 or of a member referred to in item (3) under the heading "Other Members" in that section shall be one year from the date of his election or nomination, as the case may be.

Explanation.—For the removal of doubts it is hereby clarified that a member referred to in the preceding proviso shall not cease to be such member solely or

the ground that he has ceased to be a student within the period of one year specified in that proviso.

(4) Notwithstanding anything contained in the first proviso to sub-section (3), a principal elected under item (1), or a teacher of a Government college elected under item (5), or a teacher of a private college elected under item (6), or a member of the non-teaching staff of an affiliated college elected under item (10), under the heading "Elected Members" in section 17 shall not cease to be a member of the Senate merely on the ground—

(a) that he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) that the college of which he is the principal or in which he is a teacher or a member of the non-teaching staff has been transferred to another University; or

(c) in the case of a teacher, that he has been promoted as principal.

(5) Notwithstanding anything contained in this Ordinance or in the Statutes, no person elected under item (2) under the heading "Elected Members" in section 17 shall cease to be a member of the Senate merely on the ground that he has ceased to be employed or normally resident within the territorial limits of the University.

(6) On failure of a member to make the choice under the second proviso to sub-section (3), he shall be deemed to have vacated his office as an elected or nominated member.

(7) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

19. *Powers and functions of the Senate.*—(1) Subject to the provisions of sub-section (3) of section 7, the Senate shall be the supreme authority of the University and shall have the power to review the action of the Syndicate and the Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Ordinance, the Statutes, the Ordinances or the Regulations, and shall exercise all the powers of the University not otherwise provided for by this Ordinance or the Statutes:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Ordinance the Senate shall have the following powers, namely:—

(a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;

(b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;

(c) to cancel or amend by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members present and voting, any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council:

Provided that no Regulation shall be cancelled or amended by the Senate without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment;

(d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organise exhibitions in accordance with the provisions of this Ordinance and the Statutes, Ordinances and Regulations;

(e) to institute professorships, readerships, lecturerships and such other teaching or research posts as it may deem necessary:

Provided that no professorship, readership, lecturership or other teaching or research post shall be instituted by the Senate without the previous approval of the Government if it involves expenditure in excess of the budgetary provision;

(f) to establish and maintain such institutions as it may from time to time deem necessary;

(g) to prescribe with the previous concurrence of the Government the terms and conditions of service of the employees of the University;

(h) with the previous concurrence of the Government, to regulate the emoluments and prescribe the duties and conditions of service of teachers and non-teaching staff in private colleges;

(i) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;

(j) to cancel any degree, diploma, title or any other distinctions granted to any person in accordance with the provisions of the Statutes;

(k) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;

(l) to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of

members required for the transaction of business by the authorities of the University other than the Senate;

(m) to recommend to the Government the recognition of any local area within the University area as a University centre;

(n) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Ordinance and the Statutes.

20. *Meetings of the Senate.*—(1) The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor and one of such meetings shall be called the annual meeting.

(2) One-fifth of the total number of members of the Senate shall be the quorum for a meeting of the Senate:

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit and shall, within thirty days of the receipt of a requisition in writing signed by not less than one-fourth of the total number of members of the Senate, convene a special meeting of the Senate.

(4) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered at the meeting.

21. *The Syndicate.*—The Syndicate shall be the chief executive body of the University and shall consist of the following members, namely:—

Ex-officio Members

(a) The Vice-Chancellor.

(b) The Pro-Vice-Chancellor.

(c) The Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him.

(d) The Director of Collegiate Education.

(e) The Director of Public Instruction.

Other Members

(a) Twelve members elected by the Senate from among themselves, of whom: (i) two shall be Principals of first grade colleges; and (ii) four shall be teachers who are not principals, of whom one shall be a University teacher and one shall be a teacher of a Government college.

(b) One member elected by the Senate from among the members referred to—

(i) in item (16) under the heading "Ex-officio Members";

(ii) in item (12) under the heading "Elected Members"; and

(iii) in item (3) under the heading "Other Members",

in section 17.

(c) One member belonging to a Scheduled Caste elected by the Senate from among themselves.

22. *Term of office of members of Syndicate.*—(1) Members of the Syndicate, other than *ex-officio* members, shall hold office for a term of four years from the date of their election:

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that electorate or the holder of that office:

Provided further that the member referred to in item (b) under the heading "Other Members" in section 21 shall hold office for a period of one year from the date of his election or till he ceases to be a member of the Senate, whichever is earlier:

Provided also that a member other than an *ex-officio* member shall, notwithstanding the expiration of his term, continue to hold office until his successor is elected:

Provided also that no person other than an *ex-officio* member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first proviso to sub-section (1), a member of the Syndicate referred to in sub-item (i) of item (a) under the heading "Other Members" in section 21 or referred to in sub-item (ii) of that item who is a teacher of a private college or a Government College, shall not cease to be such member merely on the ground that—

(a) he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) the college of which he is the principal or in which he is a teacher has been transferred to another University; or

(c) in the case of a teacher, he has been promoted as principal.

23. *Powers of Syndicate.*—Subject to the provisions of this Ordinance and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:—

(i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Ordinance and the Statutes;

(ii) to make Ordinances and to amend or repeal the same;

(iii) to propose Statutes for the consideration of the Senate;

(iv) to hold, control and administer the properties and funds of the University;

(v) to direct the form, custody and use of the common seal of the University;

(vi) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;

(vii) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;

(viii) to appoint teachers and other employees of the University and prescribe their duties;

(ix) to create administrative, ministerial and other necessary posts:

Provided that no administrative or ministerial post, the minimum of the scale of pay thereof exceeds four hundred rupees per mensem, shall be created by the Syndicate without the prior approval of the Government:

Provided further that no post shall be created by the Syndicate without the prior approval of the Government if creation of such post involves expenditure in excess of the budgetary provision;

(x) to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;

(xi) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;

(xii) to award fellowships, scholarships, studentships, bursaries medals and prizes;

(xiii) to exercise supervision and control over the residence and discipline of students;

(xiv) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;

(xv) to conduct University examinations and approve and publish the results thereof;

(xvi) to appoint members to the Boards of Studies;

(xvii) to approve panel of examiners and to fix their remuneration;

(xviii) to approve the appointment of teachers in private colleges;

(xix) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;

(xx) to arrange for and direct the investigation into the affairs of private colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them and in case of disregard of such instructions, to modify the conditions of affiliation or recognition or take such other steps as it deems proper in that behalf;

(xxi) to withhold or cancel the result of any candidate at any University examination;

(xxii) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfer shall be reported to the Senate at its next meeting;

(xxiii) to exercise the powers of the University under clause (xxvii) of section 5;

(xxiv) to exercise such other powers and perform such other duties as may be prescribed by this Ordinance, the Statutes, the Ordinances, the rules, the bye-laws and the orders.

24. *The Academic Council.*—(1) The Academic Council shall be the academic body of the University.

(2) The Academic Council shall, subject to the provisions of this Ordinance and the Statutes, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examinations within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(3) The Academic Council shall consist of the following members, namely:—

(a) the Vice-Chancellor;

(b) the Pro-Vice-Chancellor;

(c) the Director of Public Instruction;

(d) the Director of Technical Education;

(e) the Director of Collegiate Education;

(f) the Director of Research and Studies;

(g) the Director of Physical Education;

(h) the Director of Medical Education;

(i) the Deans of Faculties;

(j) the General Secretary of the University Union;

(k) all the Heads of University Departments of Study and Research who are not Deans of Faculties;

(l) all members of the Syndicate who are not otherwise members of the Academic Council;

(m) five members (other than Deans of Faculties) of whom at least one shall be a Principal of a Government professional college, elected by the principals of professional colleges from among themselves;

(n) seven members (other than Deans of Faculties) of whom at least one shall be a Principal of a Government college, elected by the principals of first grade colleges, other than colleges of oriental languages, from among themselves;

(o) two members (other than Deans of Faculties) elected by the Principals of junior colleges from among themselves;

(p) one Principal of a college of oriental languages, not being a Dean of Faculty, nominated by the Chancellor by rotation according to seniority;

(q) one member each of every subject of study (not being a Dean of Faculty or head of a University Department or principal) elected by the teachers of that subject from among themselves;

(r) one headmaster and one teacher of a secondary school in the University area nominated by the Chancellor;

(s) one member representing each faculty, elected by the full-time post-graduate students of the faculty from among themselves;

(t) five external experts to be nominated by the Chancellor.

(4) Members of the Academic Council, other than the members specified in clauses (a) to (h) of sub-section (3), shall hold office for a term of four years from the date of their appointment or nomination, as the case may be:

Provided that a person who has become a member of the Academic Council in the capacity of a student shall cease to hold office on his ceasing to be a student.

25. *Powers and duties of Academic Council.*—Subject to the provisions of this Ordinance and the Statutes, the Academic Council shall have the following powers, duties and functions, namely:—

(i) to advise the Senate and the Syndicate on all academic matters;

(ii) to make Regulations and to amend or repeal the same;

(iii) to prescribe the courses of studies in the institutions maintained by, or affiliated to, the University;

(iv) to prescribe the qualifications of teachers

(a) in colleges; and

(b) in the institutions maintained by the University;

(v) to prescribe the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted;

(vi) to make provision for the admission of students to the various courses of studies on the basis of merit in order to maintain standards of education;

(vii) to make proposals for the instruction and training in such branches of learning as it may think fit

(viii) to make proposals for research and advancement and dissemination of knowledge;

(ix) to make proposals for the institution of professorships, readerships, lecturerships and other teaching and research posts required by the University;

(x) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(xi) to make proposals for determining what degrees, diplomas and other academic distinctions shall be granted by the University;

(xii) to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examinations of the University;

(xiii) to arrange for the co-ordination of studies and teaching in affiliated colleges and recognised institutions;

(xiv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Ordinance or the Statutes, Ordinances, Regulations, rules, or bye-laws.

26. *Faculties.*—(1) The University may have such faculties as may be prescribed by the Statutes from time to time.

(2) Each faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such faculty by the Ordinances or Regulations.

(3) Each Faculty shall consist of—

(a) the Chairman of the Boards of Studies comprised in the faculty;

(b) two members elected from each Board of Studies; and

(c) not less than five and not more than ten members nominated by the Syndicate.

(4) Each faculty shall comprise such departments of teaching as may be prescribed by the Ordinances.

(5) Subject to the provisions of this Ordinance each faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) The members of faculties mentioned in sub-section (3) shall hold office for a period of three years from the date of their nomination or election, as the case may be.

27. *Deans of faculties.*—(1) There shall be a Dean of each faculty, who shall be nominated by the Chancellor in consultation with the Vice-Chancellor.

(2) The Dean of each faculty shall be responsible for the due observance of the Statutes, Ordinances, Regulations and Bye-laws relating to that faculty.

(3) The Dean of a faculty shall hold office for a term of two years and shall be eligible for renomination.

28. *Boards of Studies.*—(1) There shall be a Board of Studies attached to each Department of Study in the University:

Provided however that post-graduate studies in each department may have separate Board of Studies.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

(3) Members of the Boards of studies shall hold office for a period of three years from the date of their entering upon office.

29. *Students' Council.*—(1) There shall be a Students' Council in the University.

(2) The Students' Council shall consist of the following members, namely:—

Ex officio Members

(a) The Vice-Chancellor who shall be the Chairman of the Council.

(b) The Chairman of the University Union.

(c) The General Secretary of the University Union.

(d) The Director, National Cadet Corps.

(e) The Officer-in-charge of the National Service Scheme in the University.

(f) The Director of Physical Education.

(g) The Director of Youth Affairs who shall be the Vice-Chairman of the Council.

Elected Members

(a) Ten members, not being members of the Senate or the Academic Council, elected by the members of the General Council of the University Union from among themselves, of whom two shall be women.

(b) Three members elected from among the full-time students of the departments of the University in such manner as may be prescribed.

(c) Two members, other than students, elected by the members of the Senate from among themselves.

(d) One member elected by the members of the Syndicate from among themselves.

(e) One member elected by the members of the Academic Council from among themselves.

Other Members

Five students who have distinguished themselves in academic field, sports or fine arts, nominated by the Vice-Chancellor after giving due consideration to the representation of special interests.

(3) A member nominated by the Vice-Chancellor in consultation with the Chairman of the University Union, from among the elected student members of the Council shall be the Secretary to the Council.

(4) The members of the Students' Council other than *ex officio* members shall hold office for a term of one year from the date of their election or nomination, as the case may be.

30. *Powers and duties of Students' Council.*—(1) Subject to the provisions of this Ordinance and the Statutes, the Students' Council shall have the following powers, duties and functions, namely:—

(a) to make recommendations to the Syndicate and to the Academic Council in matters affecting the academic work of the students, such as the structure of courses and pattern of instruction, the corporate life of the University in so far as it concerns the students, and the co-curricular and extra-curricular activities in the University;

(b) to make suggestions to the Syndicate and the Academic Council in respect of all rules relating to discipline or welfare of the students, sports, working of literary and other societies, management of hostels, student homes and non-resident student centres, extension work, social work, students' health, National Service Scheme and National Cadet Corps and such other matters as may be specified in the Statutes;

(c) to communicate its views, observations and recommendations to any authority of the University in respect of any matter which concerns the students:

Provided that if any question arises as to whether a matter does or does not concern the students, the question shall be decided by the Chairman of the Students' Council and his decision shall be final;

(d) to take such steps as are necessary for the general welfare of students;

(e) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Ordinance or the Statutes, Ordinances or Regulations.

(2) The Vice-Chancellor shall cause to be laid before the Senate and the Students' Council in such manner as may be prescribed by the Statutes, periodical reports detailing the recommendations and suggestions made by the Students' Council and the action taken thereon by the authorities to which such recommendations and suggestions were made.

31. *Finance Committee.*—(1) There shall be a Finance Committee to give advice to the University on any question affecting its finances.

(2) The Finance Committee shall consist of the following members, namely:—

(a) the Vice-Chancellor, who shall be the Chairman;

(b) the Pro-Vice-Chancellor, if any;

(c) one member elected by the members of the Senate from among themselves;

(d) one member elected by the members of the Syndicate from among themselves;

(e) one member elected by the members of the Academic Council from among themselves;

(f) the Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him;

(g) the Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him.

(3) The Finance Officer shall be the Secretary of the Finance Committee.

(4) The powers and functions of the Finance Committee and its procedure in financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

32. *Other authorities of University.*—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be the authorities of the University shall be prescribed by the Statutes.

33. *Disqualifications for membership.*—(1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he—

(a) is below twenty-five years of age; or

(b) is of unsound mind or a deaf-mute; or

(c) is an undischarged insolvent; or

(d) has been convicted by a court of law of an offence involving moral delinquency; or

(e) has been debarred by any University from appearing in examinations, for malpractices in connection with any examination:

Provided that clause (a) shall not apply to a person elected or nominated in the capacity of a student to any of the said authorities:

Provided further that the disqualification of a person under clause (e) shall cease on the expiry of the period for which he has been debarred.

(2) If any question arises as to whether any person is disqualified under sub-section (1), the question shall be referred to the Chancellor and his decision thereon shall be final.

CHAPTER V

STATUTES, ORDINANCES, REGULATIONS, RULES AND BYE-LAWS

34. *The Statutes.*—Subject to the provisions of this Ordinance, the Statutes may provide for all or any of the following matters, namely:—

(a) the powers and duties of the officers of the University, not specifically provided for in this Ordinance;

(b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Ordinance;

(c) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;

(d) the award of degrees, diplomas, titles, certificates and other academic distinctions by the University;

(e) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions;

(f) the maintenance of a register of registered graduates;

(g) the holding of convocations to confer degrees;

(h) the conditions and procedure for affiliation of colleges;

(i) the conferment of honorary degrees;

(j) the maintenance of the accounts and the preparation and passing of the annual budget of the University;

(k) all other matters which by this Ordinance are to be, or may be, prescribed by Statutes.

35. *Procedure for making Statutes.*—(1) The Senate may of its own motion take into consideration the draft of a Statute:

Provided that, in any such case, before a Statute is passed, the Senate shall obtain and consider the opinion of the Syndicate.

(2) The Syndicate may propose to the Senate the draft of any Statute for consideration and such draft shall be considered by the Senate at its next meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part, together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub-section (3) has been further considered by the Syndicate, together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate, it shall be submitted to the Chancellor who may refer the Statute back to the Senate for further consideration or assent thereto or withhold his assent:

Provided that a Statute or amendment to a Statute passed by the Senate which involves expenditure from the University Fund shall be submitted to the Government who shall forward the same to the Chancellor with their views thereon.

(6) No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.

(7) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

(8) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Senate without the previous approval of the Government.

36. *Ordinances.*—Subject to the provisions of this Ordinance and the Statutes, the Syndicate shall have power to make Ordinances providing for all or any of the following matters, namely:—

(a) the levy of fees in colleges and other institutions, by the University;

(b) the residence and discipline of students;

(c) the workload and pattern of teaching staff in colleges;

(d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University:

Provided that no special pay or allowance or extra remuneration of any description whatsoever including *ex gratia* payment or other benefits having financial implication shall be granted to any officer, teacher or other employee of the University without the prior approval of the Government; and

(e) all other matters which by this Ordinance or the Statutes are to be, or may be, provided for by the Ordinances.

37. *Procedure for making Ordinances.*—(1) All Ordinances made under this Ordinance shall have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during the next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.

(3) Subject to the provisions of sub-sections (1) and (2), the procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(4) Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be submitted to the Government who shall forward the same to the Chancellor with their views.

(5) No Ordinance or amendment to any Ordinance including repeal of an Ordinance which involves expenditure shall be valid or come into force unless assented to by the Chancellor.

38. *Regulations.*—Subject to the provisions of this Ordinance, Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely:—

(a) the courses of studies and the conduct of examinations;

(b) the admission of students to the various courses of study and to the examinations;

(c) the qualifications of teachers;

(d) the appointment and prescription of duties of the Boards of Studies, and examiners;

(e) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and

(f) all other matters which under the provisions of this Ordinance, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

39. *Procedure for making Regulations.*—(1) All Regulations made under this Ordinance, shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

(2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

40. *Rules, bye-laws and orders.*—(1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of this Ordinance, the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Ordinance or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting.

(3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

41. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Ordinance shall be published in the Gazette.

CHAPTER VI

ELECTION TO THE SENATE, THE SYNDICATE AND THE OTHER BODIES OF THE UNIVERSITY, FILLING UP OF VACANCIES AND RESIGNATION, REMOVAL ETC., OF MEMBERS OF AUTHORITIES AND BODIES

42. *Election of members to the Senate, Syndicate and other bodies of the University.*— The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes, and the voting at such election shall be by secret ballot.

43. *Filling up of vacancies.*—(1) All vacancies among the members (other than *ex officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as may be, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant.

(2) Any person appointed, elected or nominated under sub-section (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated, as the case may be, would have been entitled to hold office if the vacancy had not occurred.

44. *Resignation or removal of members of any authority or body.*—(1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(2) The Senate may, on the recommendation of not less than two-thirds of the number of members of the Syndicate, remove the name of any person convicted by a court of law of any offence involving moral delinquency or punished by the University for malpractice connected with any University examination from the register of registered graduates or remove any such person from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

(4) If an elected member of any authority or body of the University fails to attend three consecutive meetings of that authority or body, he shall cease to be a member of such authority or body and thereupon the Registrar shall intimate him that he has ceased to be such member:

Provided that such authority or body may, if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

CHAPTER VII

FINANGE

45. *University Fund.*—(1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received, all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled "The Gandhiji University Fund" and shall be employed for the purposes, and in the manner laid down in this Ordinance and in the Statutes, Ordinances, rules, bye-laws and orders made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Gandhiji University Fund shall be lodged in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries upto such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Gandhiji University Fund, as it may deem fit, in Government securities or securities guaranteed by the Government of India.

(4) The custody of the Gandhiji University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, rules and bye-laws made in that behalf.

46. *Grants from Government.*—(1) The University shall receive as grants for its maintenance such sums, subject to such conditions as may be fixed by the Government, from time to time.

(2) The Government may pay to the University such other grants, subject to such conditions as they think fit, for specific purposes.

47. *Annual estimates of income and expenditure.*—(1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such date as may be prescribed by the Statutes and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either without alterations or with such alterations as it may think fit.

48. *Funds earmarked for a purpose not to be diverted without prior approval of Government.*—The University shall not,—

(a) without the prior approval of the Government,—

(i) divert funds earmarked for a purpose for any other purpose; or

(ii) implement any scheme which involves any matching contribution from the State Government; or

(b) implement any scheme which imposes a recurring liability on the Government, after the assistance from the sponsoring authority ceases.

49. *Annual accounts.*—(1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

50. *Annual report.*—(1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be presented to the Senate for its review on or before such date as may be prescribed by the Statutes.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2) to the Government.

(4) The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the Table of the State Legislative Assembly.

51. *Audit of accounts of the University.*—(1) The Government shall appoint auditors of the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(3) The University shall bear the cost of the audit as fixed by the Government.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the Auditors and report the action taken to the Government.

(8) On consideration of a report of the auditors under this section the Government may, if they consider it necessary so to do, direct the University to comply with the provisions of sub-section (7) within such period as may be specified in the direction and the University shall comply with such direction.

Chapter VIII

PRIVATE COLLEGES AND AFFILIATION OF COLLEGES

52. *Definitions.*—In this Chapter—

(a) "corporate management" means an educational agency which manages more than one private college;

(b) "unitary management" means an educational agency which manages a private college.

53. *Governing body for private college under unitary management.*—(1) A unitary management shall constitute in accordance with the provisions of the Statutes a governing body consisting of the following members, namely:—

(a) the manager of the private college;

(b) the principal of the private college;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of the private college from among themselves;

(f) the Chairman of the College Union;

(g) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of the private college from among themselves; and

(h) not more than six persons nominated by the unitary management.

(2) The manager of the private college shall be the Chairman of the governing body.

(3) It shall be the duty of the governing body to advise the unitary management in all matters relating to the administration of the private college, in accordance with the provisions of this Ordinance and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the governing body shall be taken at meetings on the basis of simple majority of the members present and voting.

54. *Managing council for private colleges under corporate management.*—(1) A corporate management shall constitute a managing council for all the private colleges under its management, consisting of the following members, namely:—

(a) the manager of the private colleges;

(b) one principal by rotation in such manner as may be prescribed by the Statutes;

(c) a person nominated by the University in accordance with provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) two persons elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of all the private colleges, from among themselves;

(f) a person elected by the Chairman of the College Unions of all the private colleges, from among themselves;

(g) one person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of all the private colleges from among themselves; and

(h) not more than fifteen persons nominated by the corporate management.

(2) The manager of the private colleges shall be the chairman of the managing council.

(3) It shall be the duty of the managing council to advise the corporate management in all matters relating to the administration of the private colleges, in accordance with the provisions of this Ordinance and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the managing council shall be taken at meetings on the basis of simple majority of the members present and voting.

55. *Manager.*—(1) A unitary management or corporate management shall appoint a manager for the private college or for all the private colleges, as the case may be, under its management within the University area.

(2) the appointment or removal of the manager shall be intimated to the University by the unitary management or the corporate management, as the case may be.

(3) It shall be the duty of the manager to give effect to the decisions of the unitary management or the corporate management, as the case may be.

(4) The manager shall exercise such powers and discharge such duties as may be delegated to him by the unitary management or the corporate management, as the case may be.

(5) The manager shall furnish to the Director of Collegiate Education audited accounts of the grants given by the Government to the private college or all the private colleges, as the case may be, of which he is the manager, within such time as may be specified by the Director of Collegiate Education in that behalf.

(6) Suits by or against a private college shall be instituted by or against the manager thereof.

(7) If the manager of a private college is guilty of mismanagement, malpractice, corruption or maladministration, gross negligence of duty or disobedience of instructions issued by the Government or the University or is convicted for an offence involving moral turpitude, the Vice-Chancellor may, after giving the manager a reasonable opportunity to show cause against the action proposed to be taken against him and after due enquiry, declare him unfit to hold the office of manager and require the unitary management or the corporate management, as the case may be, to appoint a suitable person as manager.

(8) Failure on the part of the manager to furnish accounts to the Director of Collegiate Education as required by sub-section (5) within the specified date or within such further time as may be allowed by the Director of Collegiate Education shall be sufficient cause for taking steps for the withdrawal of the grant to the private college or private colleges, as the case may be.

(9) Failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college or the continuance in office of a person declared unfit under sub-section (7) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college.

56. *Acts or proceedings of governing body or managing council not to be invalidated.*—No act or proceeding of a governing body or managing council shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the governing body or managing council; or

(b) any defect in the appointment of a person acting as a member of the governing body or managing council; or

(c) any irregularity in the procedure of the governing body or managing council not affecting the merits of the case.

57. *Affiliation of colleges.*—(1) An application for affiliation to the University of any college or for affiliation in new courses in any affiliated college shall be sent by the educational agency to the Registrar within such time and in such manner as may be prescribed by the Statutes.

(2) The terms and conditions of affiliation of a college or of affiliation in new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes:

Provided that the Chancellor may, by notification in the Gazette, for reasons to be specified in the notification, extend the period within which the Syndicate shall consider any application under sub-section (1), whether such period has already expired or not, by such further period, not exceeding one year, as may be specified in such notification.

(3) Without prejudice to the generality of the provisions of sub-section (2), such Statutes may provide for the pattern of staff, scales of pay and terms and conditions of service of members of the staff and admission and selection of students for courses and examinations.

58. *Appointment of teachers in private colleges.*—(1) Appointments to the lowest grade of teacher in each department of a private college shall be made by the educational agency by direct recruitment on the basis of merit.

(2) Appointments of principals shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, or by direct recruitment.

(3) Where the appointment of principal is made by promotion, the educational agency shall make the appointment on the basis of seniority-cum-fitness.

(4) Appointments to the posts, other than those referred to in sub-sections (1) and (2), shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, on the basis of seniority-cum-fitness, or, if none among them is fit for promotion, by direct recruitment.

(5) For making appointment under this section by direct recruitment, the post shall be advertised in such manner as may be prescribed by the Statutes.

(6) Notwithstanding anything contained in sub-sections (1) and (4), a teacher discharged from a private college on or after the 14th day of March, 1974, due to abolition of a course of study in that college or for any other reason except disciplinary action against him shall be given preference in the matter of future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area.

(7) The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(8) Every appointment under this section shall be made by a written order of the manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed, with copy to the University.

(9) Every appointment under this section shall be reported to the University for approval.

(10) Any person aggrieved by any appointment under this section may appeal to the Appellate Tribunal.

59. *Qualifications of teachers.*—(1) Teachers of colleges shall possess such qualifications as may be prescribed by the Regulations.

(2) Notwithstanding anything contained in any law or in any judgement, decree or order of any court or other authority, any decision or order exempting any teacher from possessing the prescribed qualifications or approving the appointment of any teacher who did not possess the prescribed qualifications or allowing any teacher who did not possess the prescribed qualifications to continue in service, made by any authority or officer of the University of Kerala under the Kerala University Act, 1974 (17 of 1974), before the commencement of this Ordinance shall be deemed to have been made by the authority competent to make such decision or order under this Ordinance as if this Ordinance had been in force at the time when such decision or order was made, and accordingly all such decisions and orders shall be, and shall be deemed always to have been, valid and in accordance with law.

60. *Probation.*—(1) Teachers of private colleges shall be on probation for a period of one year within a period of two years:

Provided that in exceptional cases, the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation.—Probation undergone by a teacher before the commencement of this Ordinance shall be deemed to be probation for the purposes of this sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) Notwithstanding anything contained in any contract or other document, any teacher working in a substantive vacancy at or after the commencement of this Ordinance shall be deemed to be on probation for the purposes of sub-section (1).

(3) The educational agency may, at any time before the prescribed period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion.

(4) Any probationer discharged or reverted under sub-section (3) shall be given preference in the matter of future appointments to the same post.

(5) On satisfactory completion of probation, the educational agency, shall confirm the teacher in the post and if the vacancy is not a substantive vacancy, the teacher shall be allowed to continue in the post for the duration of the vacancy.

(6) If, on the expiry of the prescribed period of probation, the educational agency decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(7) Where the post held by the probationer is substantively vacan and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (5) or is not discharged or reverted under sub-section (6), he shall be deemed to have been confirmed in that post

(8) A probationer who is discharged or reverted under sub-section (6) or who is discharged or reverted before the prescribed period of probation otherwise than on the ground of want of vacancy shall be entitled to appeal against the order of discharge or reversion to the Appellate Tribunal and the provisions of section 61 shall, *mutatis mutandis* apply to such appeals.

61. *Conditions of service of teachers of Private Colleges.*—(1) Notwithstanding anything contained in any law or in any contract or other document, the conditions of service of teachers of private colleges, whether appointed before or after the commencement of this Ordinance including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement, shall be such as may be prescribed by the Statutes.

(2) No teacher of a private college shall be kept under suspension by the educational agency except when disciplinary proceedings are initiated against him.

(3) When a teacher of a private college is suspended for a period exceeding fifteen days, the matter, together with the reasons for the suspension, shall be reported to the Vice-Chancellor.

(4) Any disciplinary proceedings initiated under sub-section (2) shall be completed within a period of three months or within such further period as may be allowed by the Vice-Chancellor after hearing the parties concerned.

(5) No disciplinary action shall be taken against a teacher without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(6) Any teacher aggrieved by an order imposing on him any of the following penalties, namely:—

(a) withholding of increment;

(b) recovery from pay of any pecuniary loss caused to the institution or the monetary value equivalent to the amount of increment ordered to be withheld;

(c) reduction to a lower rank in the seniority list or to a lower grade or post; and

(d) dismissal from service,

may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal on any one or more of the following grounds, namely:—

(i) that there is want of good faith in passing the order;

(ii) that the order is intended to victimise the appellant;

(iii) that in passing the order, the educational agency has been guilty of a basic error or violation of the principles of natural justice;

(iv) that the order is not based on any material or is perverse:

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period of sixty days if it is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(7) On receipt of an appeal under sub-section (6), the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

(8) Any order passed by the Appellate Tribunal under sub-section (7) may be executed through the Subordinate Judge's Court having jurisdiction over the area in which the private college is situate as if it were a decree passed by that court.

(9) Any person who objects to an order passed by the Appellate Tribunal under sub-section (7) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition accompanied by court fee stamps of the value of ten rupees to the High Court on the ground that the Appellate Tribunal has either decided erroneously, or failed to decide, any question of law.

(10) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963), shall be applicable to any proceedings under sub-section (9).

(11) The High Court shall, after giving the parties an opportunity of being heard, pass such order on the petition, as it deems fit.

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

62. *Disciplinary powers of Government over teachers of Private Colleges.*—(1) Notwithstanding anything contained in this Ordinance or in the Statutes, Ordinances or Regulations and subject to such rules as may be made by Government in this behalf, the Government or such officer not below the rank of Deputy Director of Collegiate Education, as may be authorised by the Government in this behalf, shall have power to take disciplinary proceedings against a teacher of a private college and to impose upon him all or any of the penalties specified by or under this Ordinance:

Provided that before exercising the powers under this sub-section, the Government or the authorised Officer, as the case may be, shall intimate the manager regarding the circumstances requiring disciplinary action against the teacher concerned and give the manager a reasonable opportunity of taking disciplinary action, and the Government or the authorised Officer, as the case may be, shall take disciplinary action against the teacher only if the manager fails to take appropriate disciplinary action.

(2) The Government or the officer authorised under sub-section (1), as the case may be, may suspend a teacher of a private college when any disciplinary proceedings is proposed to be taken against him under that sub-section or when such disciplinary proceedings are pending.

63. *Past disputes relating to service conditions of teachers.*—Notwithstanding anything contained in any law for the time being in force, or in any contract or in any judgment, decree or order of any court or other authority any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Ordinance shall be decided under and in accordance with the provisions of this Ordinance and the Statutes made thereunder.

64. *Membership of Local Authorities, etc.*—A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

65. *Non-teaching staff of Private Colleges.*—(1) The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges.

(2) Subject to the provisions of sub-section (1), the method of appointment, pay and other conditions of service of the non-teaching staff of private colleges shall be such as may be prescribed by the Statutes.

66. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Gandhiji University and also under the jurisdiction of the Kerala University or the Calicut University, the educational agency shall within three months of the commencement of this Ordinance or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers who have opted to work under the jurisdiction of the Gandhiji University or the Kerala University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the

Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

67. *Constitution of Appellate Tribunal.*—(1) The Government shall constitute an Appellate Tribunal for the purposes of this Ordinance.

(2) The Appellate Tribunal shall be a judicial officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Ordinance with the previous sanction of the Government for regulating its procedure and disposal of its business.

(5) The regulations so made shall be published in the Gazette.

(6) The remuneration and other conditions of service of the Appellate Tribunal shall be such as may be prescribed by rules.

68. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Ordinance required to be settled, decided or dealt with or to be determined by any authority or person under this Ordinance.

69. *Private colleges to comply with provisions of Chapter within six months.*—All private colleges existing in the University area immediately before the commencement of this Ordinance and affiliated to the University shall, within a period of six months from such commencement, comply with the provisions of this Chapter.

70. *Colleges not complying with provisions of this Ordinance.*—(1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Ordinance or in the Statutes, Ordinances, Regulations, bye-laws, orders or rules, it may recommend to the Government for withholding or discontinuing aid or grant or it may disaffiliate the college from the University:

Provided that before disaffiliating a college, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

(2) If, on a recommendation under sub-section (1), the Government are satisfied that any private college has not complied with any of the provisions of this Ordinance or of the Statutes, Ordinances, Regulations, bye-laws,

orders or rules, they may, by order, direct that the college shall not be given any aid or grant from the Government:

Provided that before making any such order, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

71. *Code of Conduct for teachers of affiliated Colleges.*—(1) The Government shall, in consultation with the University and the representatives of the teachers, frame a Code of Conduct to be observed by the teachers of Government and private colleges.

(2) Any teacher of a Government or private college who contravenes any of the provisions of the Code of Conduct shall be liable for disciplinary action which may involve the imposition of a major penalty.

Explanation.—Derecognition of a teacher by the University shall be deemed to be a major penalty for the purposes of sub-section (2).

72. *Power of Government to cause inspection of University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of any institution maintained, recognised or approved by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made, by the Senate or the Syndicate in the matter,

issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions within such time as may be specified in the directions.

73. *Appointment of Commission to inquire into the working of University.*—(1) The Government may at any time and shall, at the expiration of ten years from the commencement of this Ordinance and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on—

(i) the working of the University during the period to which the inquiry relates;

(ii) the financial position of the University including the financial position of its colleges and departments;

(iii) any change to be made in the provisions of this Ordinance or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and

(iv) such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and recommendations of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

(5) The Senate shall be responsible for carrying into effect any orders passed by the Government under sub-section (4).

74. *Directions by Government.*—(1) The Government may, after consultation with the Senate, give to the Senate directions of a general nature on matters which are not academic.

(2) In the exercise of its powers and performance of its functions under this Ordinance, the Senate shall not depart from any direction given by the Government under sub-section (1), except with the previous permission of the Government.

75. *Supersession of Senate and Syndicate.*—If—

(a) the Senate persistently and without reasonable cause fails to comply with any direction issued by the Government under sub-section (7) of section 72 or sub-section (1) of section 74 or any order passed by the Government under sub-section (4) of section 73; or

(b) the Syndicate persistently and without reasonable cause fails to comply with any direction issued by the Government under sub-section (7) of section 72, within a reasonable time,

the Government may submit a report to the Chancellor recommending the supersession of the Senate or the Syndicate, as the case may be, and the Chancellor may, if he is satisfied that the Senate or the Syndicate has so failed, order the supersession of the Senate or the Syndicate, as the case may be:

Provided that before making a recommendation under this section, the Government shall give a reasonable opportunity to the Senate or the Syndicate, as the case may be, to show cause why such recommendation should not be made and shall consider the explanations and objections, if any, of the Senate or the Syndicate, as the case may be.

76. *Reconstitution of Senate or Syndicate after supersession.*—Where the Senate or the Syndicate is superseded in pursuance of section 75 it shall be reconstituted within a period of six months from the date of its supersession in the manner provided in section 17 or, as the case may be, section 21.

77. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Ordinance for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Ordinance.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

78. *Reservation of appointments.*—In making appointments by direct recruitment to posts in any class or category in each department under the University or to posts of non-teaching staff in the University, the University shall *mutatis mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

79. *Constitution of Selection Committees.*—(1) The Chancellor shall, in consultation with the Syndicate, constitute separate selection committees for the purpose of selection of candidates for direct recruitment to the posts of—

(i) Professors.
(ii) Readers, Lecturers and other posts not being posts of non-teaching staff.
(iii) Non-teaching staff,

(2) The selection Committees shall consist of—

(a) in the case of the Selection Committee for selection of Professors,—

(i) the Vice-Chancellor,

(ii) a member of the Syndicate, who is an officer of the Government, to be nominated by the Chancellor,

(iii) two subject experts to be nominated by the Chancellor.

(b) in the case of the Selection Committee for recruitment of Readers, Lecturers and other teaching staff,—

(i) the Vice-Chancellor,

(ii) a member of the Syndicate, who is an officer of the Government, to be nominated by the Chancellor,

(iii) head of the Department,

(iv) one expert to be nominated by the Chancellor.

(c) in the case of the Selection Committee for recruitment of non-teaching staff,—

(i) Vice-Chancellor.

(ii) A member of the Syndicate nominated by the Chancellor.

(iii) Registrar.

(3) No person shall be directly recruited to the teaching or non-teaching staff of the University except on the recommendation of the concerned Selection Committee constituted under sub-section (1).

(4) The quorum for a meeting of a Selection Committee shall be three.

(5) The procedure to be followed by each Selection Committee for selection of candidates shall be prescribed by the Statutes.

(6) Where the oral test (interview) is proposed to be conducted by the Selection Committee, the Committee shall invite the Head of the Department concerned to be present or to appoint a representative to be present and the Head of Department or his representative so present may take part in the deliberations of the Selection Committee but shall not be entitled to award marks:

Provided that the Selection Committee shall invite, where they consider it necessary, any person or persons with expert knowledge in particular subjects to be present at the interview to assist the Selection Committee but such person or persons shall not be entitled to award marks.

(7) It shall be the duty of the Heads of Departments or their representatives and persons with expert knowledge who are invited to be present at the interview, to be present at the appointed time and co-operate with the Selection Committee in the conduct of the selection.

(8) Any person referred to in sub-section (7) being an employee of the Government or a University in the State who violates the provisions of that sub-section or misbehaves or acts in any manner so as to affect the fair conduct of a selection, shall be deemed to be guilty of misconduct and shall be liable for disciplinary action.

(9) The ranked lists prepared by the Selection Committees shall be published in the notice board of the University and also in the Gazette.

(10) A rank list published under sub-section (9) shall remain in force for a period of one year from the date of such publication and all vacancies arising during the period shall be filled up from the list so published.

(11) Communal rotation shall be followed category-wise treating all the departments as one unit.

(12) The Registrar shall maintain a register containing the list of appointments made indicating the vacancies filled up by open competition and by reservation to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies remaining to be filled up for want of qualified hands from Scheduled Castes, Scheduled Tribes and Other Backward Classes and vacancies carried forward for want of qualified hands under reservation quota for being filled up in future vacancies and such other details as may be specified in the Statutes.

(13) Where the Syndicate proposes to make an appointment otherwise than in accordance with the order of merit arranged by the Selection Committee, it shall record its reasons therefor in writing and submit them to the Chancellor who may approve the proposal or return it to the Syndicate for reconsideration.

(14) After reconsideration in pursuance of sub-section (13), if the Syndicate desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision and the decision of the Chancellor thereon shall be final.

(15) The Chancellor shall have the power to give directions to the Vice-Chancellor to cancel appointments made not in accordance with the provisions of this section:

Provided that before giving a direction under this sub-section the Chancellor shall give to the person so appointed a reasonable opportunity to show cause why such direction should not be given and shall consider his explanations and objections, if any.

80. *Conditions of Service.*—(1) Save as otherwise provided by or under this Ordinance every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned be referred to the Appellate Tribunal for decision, and thereupon, the provisions of sub-sections (7), (8), (9), (10), (11) and (12) of section 61 and the regulations made by the Tribunal under section 67 shall *mutatis mutandis* apply to the decision of such dispute.

81. *Pension, insurance and provident fund.*—With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and provident fund and for such other benefits as it may deem fit in such manner as may be prescribed by the Ordinances.

82. *Proceedings of the University and bodies not to be invalidated by vacancies.*—No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Ordinance or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

83. *Proceedings of the Senate, Syndicate and Academic Council.*—The Registrar shall forward to the Government within one month of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meetings.

84. *Dispute as to constitution of University Authority or body.*—If any question arises regarding the interpretation of any provision of this Ordinance or of any Statute, Ordinance, Regulation, rule, bye-law or order or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if not less than twenty-five members of the Senate so require, and the Chancellor shall, after taking such advice as he deems necessary, decide the question and such decision shall be final.

85. *Report on affiliated colleges.*—The Vice-Chancellor shall, at the end of every four years from the commencement of this Ordinance submit a report to the Government on the conditions of affiliated colleges.

86. *Protection of acts and orders.*—All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything done or purporting to be done in pursuance of this Ordinance and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

87. *Institutions affiliated to University.*—(1) All colleges existing in the University area immediately before the commencement of this Ordinance shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future maintenance and control.

88. *Duty of teachers, etc., in connection with University examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation:—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.

89. *Punishment for irregularities by teachers at examinations.*—(1) Any teacher of an affiliated college or a teacher of the University who—

(a) connives with, or assists, any candidate at an examination conducted by the University to do any malpractice at such examination; or

(b) delays the valuation and return of answer books of candidates at any such examination which have been given to him for valuation;

shall without prejudice to any other action that may be taken against him be liable for disciplinary action for imposition of a major penalty.

(2) Without prejudice to the provisions of sub-section (1), the recognition of a teacher referred to in that sub-section shall also be liable to be withdrawn.

90. *Registered Graduates.*—All graduates of the University constituted under this Ordinance and all graduates of any other University residing in the University area shall be entitled to be registered under the provisions of this Ordinance as graduates of the University constituted under this Ordinance:

Provided that all registered graduates of the Kerala University constituted under the Kerala University Act, 1974, who are employed, or are residing, within the territorial jurisdiction of the Gandhiji University constituted under the Ordinance, shall be deemed to be registered graduates of the Gandhiji University constituted under this Ordinance.

91. *Appointment of first Vice-Chancellor.*—Notwithstanding anything to the contrary contained in section 10, the Chancellor shall appoint such person as he thinks fit to be the first Vice-Chancellor of the University for a period not exceeding three years.

92. *Appointment of Registrar, Controller of Examinations and Finance Officer during initial period of two years.*—Notwithstanding anything contained in sections 12, 13 and 14, for a period of two years from the commencement of this Ordinance, the Registrar, the Controller of Examinations and the Finance Officer shall be appointed by the Chancellor for the said period, on a salary to be fixed by him and on such other conditions as he thinks fit:

Provided that the power under this section shall not be exercised by the Chancellor after the nomination of the Syndicate under section 94.

93. *Appointment of the first University Staff.*—Notwithstanding anything contained in this Ordinance, the Chancellor shall have power to appoint such officers and servants of the University as may be necessary for ensuring the working of the University.

94. *Nomination of first University authorities.*—Notwithstanding anything contained in this Ordinance, the first set of all the authorities of the University shall be nominated by the Chancellor for a period of two years from the date of nomination or till the constitution of those authorities in accordance with the provisions of this Ordinance, whichever is earlier.

95. *Colleges and other institutions within the jurisdiction of the University.*—(1) All colleges and other educational institutions within the areas to which the jurisdiction of the University extends, which immediately before the commencement of this Ordinance were recognised by, or were affiliated to, the University of Kerala as institutions providing courses of study for admission to examinations of that University for degrees, diplomas and other academic distinctions shall be deemed to be institutions recognised by, or affiliated to, the Gandhiji University under this Ordinance and the provisions of this Ordinance shall apply accordingly.

(2) Any student of any college within the area referred to in sub-section (1) and affiliated to the University of Kerala immediately before the commencement of this Ordinance shall be permitted to complete his course under the University of Kerala, and the Gandhiji University shall provide for the instruction of such students in accordance with the course of study in the University of Kerala and shall comply with such directions as may be given to it by the University of Kerala in respect of those students.

96. *Transfer of service of certain employees from the University of Kerala to the Gandhiji University.*—(1) Any person in the employment of the University of Kerala may subject to such conditions and restrictions as may be specified by the Government in this behalf, opt to serve in connection with the affairs of the Gandhiji University.

(2) As soon as may be after the date of the commencement of this Ordinance, the Government may, after consulting the Vice-Chancellors of the University of Kerala and the Gandhiji University direct, by general or special order, that such of the employees of the University of Kerala as are specified in such order shall stand allotted to serve in connection with the affairs of the Gandhiji University with effect from such date as may be specified in such order.

(3) In making an order under sub-section (2), the persons who have opted under sub-section (1) to serve in connection with the affairs of the Gandhiji University shall be given preference.

(4) With effect from the date specified in an order under sub-section (2) the persons specified in such order and allotted to serve in connection with

the Gandhiji University shall become employees of the Gandhiji University and shall cease to be employees of the University of Kerala.

(5) Every person who becomes an employee of the Gandhiji University under sub-section (4) shall hold office under that University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity, if any, and other matters as he would have held the same on the date specified in the order under sub-section (2), as if this Ordinance had not been promulgated.

(6) The liability to pay pension and gratuity to the persons referred to in sub-section (2) shall be the liability of the Gandhiji University.

97. *Transfer of accumulation in provident fund and other like funds.*—(1) The sums to the credit of the provident fund accounts of the persons referred to in sub-section (2) of section 96 as on the date specified in the order under that sub-section shall be transferred to the Gandhiji University, and the liability in respect of the said provident fund accounts shall be the liability of the Gandhiji University.

(2) There shall be paid to the Gandhiji University out of the accumulation in the superannuation fund and other like funds, if any, of the University of Kerala such amounts as have been credited to the superannuation fund and other like funds, if any, on behalf of the persons referred to in sub-section (2) of section 96.

(3) The amounts paid under sub-section (2) shall form part of the superannuation fund or other like funds, if any, that may be established by the Gandhiji University for the benefit of its employees.

98. *Apportionment of funds and assets of the University of Kerala.*—A Committee consisting of the Vice-Chancellor of the University of Kerala, the Vice-Chancellor of the Gandhiji University and the Secretary to the Government of Kerala, Finance Department, shall examine the question of transfer of funds and assets, other than those referred to in sub-section (3) of section 99 from the University of Kerala to the Gandhiji University and shall recommend to the Government the action to be taken in the matter, and the decision of the Government on such recommendation shall be final.

99. *Act 17 of 1974 not to apply.*—(1) Subject to the provisions of this section, the Kerala University Act, 1974 (17 of 1974), shall, with effect from the date of the commencement of this Ordinance cease to apply in respect of the areas to which the jurisdiction of the Gandhiji University extends,

(2) Notwithstanding anything contained in sub-section (1), all Statutes and Ordinances made under the Kerala University Act, 1974 (17 of 1974) and in force on the date of the commencement of this Ordinance shall, in so far as they are not inconsistent with the provisions of this Ordinance continue to be in force in respect of the areas referred to in sub-section (1) until they are replaced by the Statutes and Ordinances to be made under this Ordinance.

(3) All property, whether movable or immovable, including lands, buildings, equipments, books and library and all rights of whatever kind owned by or vested in or held in trust immediately before the date of the commencement of this Ordinance by the University of Kerala at the University Study Centres at Palai, Kottayam and Changanacherry as well as all liabilities legally subsisting against the University of Kerala at these centres shall stand transferred to and vest in the Gandhiji University.

(4) Nothing in this section shall be held to prejudice or affect the application of sections 4 and 23 of the Interpretation and General Clauses Act, 1125 (VII of 1125).

100. *First Statutes and Ordinances.*—Notwithstanding anything contained in this Ordinance the first Statutes and the first Ordinances of the University shall be made by the Government.

101. *Removal of difficulties.*—(1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University or otherwise in giving effect to the provisions of this Ordinance the Government may by order do anything not inconsistent with the provisions of this Ordinance which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

102. *Repeal and saving.*—(1) The Gandhiji University Ordinance, 1984 (35 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 28th July 1984 / 6th Sravana 1906 (Saka) [No. 679

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (H) Department

DECLARATION

No. 19921/H3/84/TF&P. *Dated, Trivandrum, 26th July* 1984.

S. R. O. No. 880/84.—Whereas in exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President has in Notification No. 2/4/63 Judl. II dated 31st May, 1963, entrusted the Government of Kerala, with their consent, the functions of the Central Government, under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) in relation to acquisition of land for the purpose of the Union, in the Kerala State ;

And whereas, the Government of Kerala are satisfied after considering the report made by the Collector under subsection (2) of section 5 of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), that the lands specified in the Schedule below have to be acquired for a public purpose ;

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.2787 hectare be the same a little more or less, are needed for a public purpose, to wit for the construction of Telecommunication staff quarters at Alleppey, and under section 7 of the Act direct the Sub Collector, Alleppey to take order for the acquisition of the lands.

A plan of the lands is kept in the office of the Sub-Collector, Alleppey and may be inspected at any time during office hours.

SCHEDULE

District—Alleppey.

Taluk—Ambalapuzha. Village—Alleppey West.

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*	*Extent in hectare*
1	806/38A5	Dry	0.0121
2	806/38A6	,,	0.0395
3	807/IA1	,,	0.1473
4	807/IA2	,,	0.0200
5	807/31B4	,,	0.0220
6	807/31B5	,,	0.0328
		Total	0.2787

Explanatory Note

(This is not part of the Notification, but is intended to bring out the general purport.)

The President of India has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire lands for the use of the Central Government in the State and it appears to the State Governmet that the lands mentioned in the schedule above are needed for a public pupose viz. for the construction of Telecommunication staff quarters at Alleppey.

This Declaration is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 880/84.— ഇൻഡ്യൻ ഭരണഘടനയിലെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപന പ്രകാരം കേരളസംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതുസംബന്ധിച്ച് 1961-ലെ കേരളസ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) അനുസരിച്ചുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരളസർക്കാരിനെ, അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിരിക്കുന്നതിനാലും ;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) 5-ാം വകുപ്പ് (2)-ാം ഉപവകുപ്പുപ്രകാരം കളക്ടർ സമർപ്പിച്ച റിപ്പോർട്ട് പരിഗണിച്ചതിൽ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതുക്കാര്യത്തിന് വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും ;

ഇപ്പോൾ, അതിനാൽ, പ്രസ്തുത ആക്ട് 6-ാം വകുപ്പുപ്രകാരം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 0.2787 ഹെക്ടർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി അത് അത്രതന്നെയോ അതിൽ അല്പം കൂടുതലോ കുറവോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുക്കാര്യത്തിന് അതായത് ആലപ്പുഴ ടെലികോം സ്ററാഫ് ക്വാർട്ടേഴ്സ് നിർമ്മിക്കുന്നതിന് ആവശ്യമുണ്ടെന്ന് കേരള സർക്കാർ, ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് വാങ്ങുവാൻ പ്രസ്തുത ആക്ട് 7-ാം വകുപ്പു പ്രകാരം ആലപ്പുഴ സബ് കളക്ടർ എന്ന ആഫീസറോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പ്രസ്തുത സ്ഥലത്തിന്റെ പ്ലാൻ ആലപ്പുഴ സബ് കളക്ടരുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്, ആഫീസ് സമയത്ത് എപ്പോൾ വേണമെങ്കിലും അത് പരിശോധിക്കാവുന്നതുമാകുന്നു.

പട്ടിക

ജില്ല—ആലപ്പുഴ.

താലൂക്ക്—അമ്പലപ്പുഴ. വില്ലേജ്—ആലപ്പുഴ വെസ്ററ്.

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമനമ്പർ	സർവ്വേനമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
1	306/38എ3	പുരയിടം	0.0121
2	306/38എ6	,,	0.0395
3	307/1എ1	,,	0.1473
4	307/1എ2	,,	0.0200
5	307/31ബി14	,,	0.0220
6	307/31ബി15	,,	0.0378
		ആകെ	0.2787

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല, എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63 ജൂഡിഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനത്തിൽ, കേരള സർക്കാരിന്റെ സമ്മതത്തോടുകൂടി സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ആവശ്യത്തിലേയ്ക്ക് സ്ഥലം വിലയ്ക്കെടുക്കാനുള്ള അധികാരം അവരെ ഭരമേല്പിച്ചിട്ടുള്ളതും, മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സ്ഥലങ്ങൾ ഒരു പൊതു ആവശ്യത്തിന്, അതായത് ആലപ്പുഴയിൽ ടെലികോം സ്റ്റാഫ്. ക്വാർട്ടേഴ്സ് പണിയുന്നതിന് ആവശ്യമാണെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

ഈ പ്രഖ്യാപനം മേൽപ്പറഞ്ഞ ആവശ്യത്തിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.

By order of the Governor,
V. A. AUGUSTINE,
Additional Secretary to Government.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1934.

Government of Kerala
1984

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 28th July 1984 / 6th Sravana 1906 [No. 663

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 9697/Leg(A) 1/84/Law *Dated, Trivandrum, 28th July,* 1984/ *6th Sravana,* 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3257/MC.

ORDINANCE No. 42 OF 1984

THE KERALA REVENUE RECOVERY (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Revenue Recovery Act, 1968.

Preamble.—WHEREAS the Kerala Revenue Recovery (Amendment) Ordinance, 1983 (9 of 1983), was promulgated by the Governor of Kerala on the 22nd day of February, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Revenue Recovery (Amendment) Ordinance, 1983 (15 of 1983) was promulgated by the Governor of Kerala on the 6th day of April, 1983;

AND WHEREAS a Bill to replace Ordinance 15 of 1983 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 15 of 1983, the Kerala Revenue Recovery (Amendment) Ordinance, 1983 (28 of 1983) was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 28 of 1983 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Revenue Recovery (Amendment) Ordinance, 1984 (7 of 1984) was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 7 of 1984 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Revenue Recovery (Amendment) Ordinance, 1984 (29 of 1984) was promulgated by the Governor of Kerala on the 12th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 29 of 1984 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 29 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Revenue Recovery (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 22nd day of February, 1983.

2. *Act 15 of 1968 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Revenue Recovery Act, 1968 (15 of 1968) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section* 7.—In section 7 of the principal Act, for the words "shall show the demand in writing to the defaulter", the words "shall serve the demand in writing on the defaulter" shall be substituted.

4. *Amendment of section 74.*—In section 74 of the principal Act, for the words "notice or order", wherever they occur, the words "notice, demand or order" shall be substituted.

5. *Repeal and saving.*—(1) The Kerala Revenue Recovery (Amendment) Ordinance, 1984 (29 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 9371/Leg.(A)1/84/Law. *Dated, Trivandrum, 28th July*, 1984
6th Sravana, 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984 is hereby published for general information.

By order of the Governor,

K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3258/MC.

ORDINANCE No. 43 OF 1984

THE KERALA SURVEY AND BOUNDARIES (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Survey and Boundaries Act, 1961.

Preamble.—WHEREAS the Kerala Survey and Boundaries (Amendment) Ordinance, 1983 (40 of 1983) was promulgated by the Governor of Kerala on the 18th day of November, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Survey and Boundaries (Amendment) Ordinance, 1984 (8 of 1984) was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 8 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Survey and Boundaries (Amendment) Ordinance, 1984 (30 of 1984) was promulgated by the Governor of Kerala on the 12th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 30 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 30 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Survey and Boundaries (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 19th day of November, 1983.

2. *Act 37 of 1961 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Survey and Boundaries Act, 1961 (37 of 1961) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 6.*—In section 6 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that where the survey is ordered for the purpose of, or in connection with, the acquisition of any land under the law relating to compulsory acquisition of land for public purposes for the time being in force, the notification under this sub-section may be published in the Gazette or in two daily newspapers which, in the opinion of the Survey Officer, have wide circulation in the locality in which the land in respect of which the survey has been ordered is situated.".

4. *Amendment of section 9.*—In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Notice of every decision of the Survey Officer under sub-section (1) shall be published—

(a) in the Gazette or in two daily newspapers which, in the opinion of the Survey Officer, have wide circulation in the locality in which the lands, the boundaries of which may be affected by the decision, are situated;

(b) in the offices of the village and the taluk in which such lands are situated; and

(c) in the office of the panchayat or the municipal council or municipal corporation, as the case may be, within whose jurisdiction such lands are situated.".

5. *Repeal and saving.*—(1) The Kerala Survey and Boundaries (Amendment) Ordinance, 1984 (30 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

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Government of Kerala
1984

Reg. No. KL/TV(N)/12



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EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 9229/Leg. A1/84/Law

Dated, Trivandrum, 28th July, 1984/ *6th Sravana,* 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3259/MC.

ORDINANCE No. 44 OF 1984

THE KERALA PROVISIONAL COLLECTION OF REVENUES ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to provide for the immediate effect for a limited period of provisions in Bills for giving effect to budget proposals.

Preamble.—WHEREAS the proposals relating to imposition or increase of taxes, duties, cesses, fees and other revenues in the budget speech for each financial year have to be given effect to with effect from the commencement of the financial year to which those proposals relate;

AND WHEREAS the Finance Bill to give effect to the budget proposals for a financial year cannot be passed and brought into operation before the commencement of that financial year;

AND WHEREAS the Kerala Provisional Collection of Revenues Ordinance, 1983 (32 of 1983) was promulgated by the Governor of Kerala on the 15th day of September, 1983 to provide for the immediate effect for a limited period of provisions in Bills for giving effect to budget proposals;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Provisional Collection of Revenues Ordinance, 1984 (20 of 1984) was promulgated by the Governor of Kerala on the 1st day of March, 1984;

AND WHEREAS a Bill to replace Ordinance 20 of 1984 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Provisional Collection of Revenues Ordinance, 1984 (33 of 1984) was promulgated by the Governor of Kerala on the 13th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 33 of 1984 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 33 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Provisional Collection of Revenues Ordinance, 1984.

(2) It shall be deemed to have come into force on the 1st day of March, 1984.

2. *Definitions.*—In this Ordinance,—

(a) "declared provision" means a provision in a Bill in respect of which a declaration has been made under section 3;

(b) "Legislative Assembly" means the Legislative Assembly of the State of Kerala.

3. *Power to make declarations under this Ordinance.*—Where a Bill to be introduced in the Legislative Assembly on behalf of the Government provides for the imposition or increase of any tax, duty, cess, fee or other revenue, the Government may cause to be inserted in the Bill a declaration that it is expedient in the public interest that any provision of the Bill relating to such imposition or increase shall have effect from the 1st day of April following the date of introduction of the Bill.

4. *Effect of the declarations under this Ordinance and duration thereof.*—(1) A declared provision shall have the force of law on the 1st day of April following the date on which the Bill containing it is introduced in the Legislative Assembly.

(2) A declared provision contained in a Bill shall cease to have the force of law under the provisions of this Ordinance—

(a) when it comes into operation as an enactment with or without amendment; or

(b) when the Government, in pursuance of a motion passed by the Legislative Assembly, directs, by notification in the Gazette, that it shall cease to have the force of law; or

(c) if it has not already ceased to have the force of law under clause (a) or clause (b), then on the expiry of one hundred and twenty days from the 1st day of April following the date on which the Bill containing it was introduced.

5. *Certain refunds to be made when declaration ceases to have effect.*—(1) Where a declared provision comes into operation as an enactment in an amended form before the expiry of the period referred to in clause (c) of sub-section (2) of section 4, refunds shall be made of all taxes, duties, cesses, fees and other revenues collected which would not have been collected if the provision adopted in the enactment had been the declared provision:

Provided that the rate at which refunds of any tax, duty, cess, fee or other revenue may be made under this sub-section shall not exceed the difference between the rate of such tax, duty, cess, fee or other revenue proposed in the declared provision and the rate of such tax, duty, cess, fee or other revenue in force immediately before the 1st day of April following the date of introduction of the Bill.

(2) Where a declared provision ceases to have the force of law under clause (b) or clause (c) of sub-section (2) of section 4, refunds shall be made of all taxes, duties, cesses, fees and other revenues collected which would not have been collected if the declaration in respect of it had not been made.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the amount to be refunded under this section may, at the option of the person entitled to the refund, be adjusted against any tax, duty, cess, fee or other revenue which is, or may become, recoverable from such person.

6. *Repeal and saving.*—(1) The Kerala Provisional Collection of Revenues Ordinance, 1984 (33 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

P. RAMACHANDRAN,

GOVERNOR,

Government of Kerala
1984

Reg. No. KL. TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 11022/Leg.B2/84/Law. *Dated, Trivandrum, 28th July, 1984*
6th Sravana, 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3260/MG.

ORDINANCE No. 45 OF 1984

THE KERALA TOLLS (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Tolls Act, 1976.

Preamble.—WHEREAS the Kerala Tolls (Amendment) Ordinance, 1983 (41 of 1983), was promulgated by the Governor of Kerala on the 23rd day of November, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Tolls (Amendment) Ordinance, 1984 (10 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 10 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 10 of 1984, the Kerala Tolls (Amendment) Ordinance, 1984 (23 of 1984), was promulgated by the Governor of Kerala on the 10th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 23 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 23 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Tolls (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 23rd day of November, 1983.

2. *Act 6 of 1977 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Tolls Act, 1976 (6 of 1977) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 3.*—In section 3 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

"Provided that if the Government are of opinion that it is necessary in the public interest so to do, they may, by notification in the Gazette, specify any bridge in respect of which no toll shall be leviable under this sub-section.".

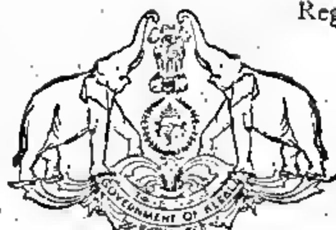
4. *Repeal and saving.*—(1) The Kerala Tolls (Amendment) Ordinance, 1984 (23 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,
GOVERNOR.

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 10842/Leg. B1/84/Law. *Dated, Trivandrum, 28th July, 1984/ 6th Sravana, 1906.*

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1984.

33/2061/MC

ORDINANCE No. 46 OF 1984

THE KERALA CIVIL COURTS (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Civil Courts Act, 1957.

Preamble.—WHEREAS the Kerala Civil Courts (Amendment) Ordinance, 1983 (31 of 1983), was promulgated by the Governor of Kerala on the 5th day of September, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Civil Courts (Amendment) Ordinance, 1984 (9 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 9 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 9 of 1984, the Kerala Civil Courts (Amendment) Ordinance, 1984 (28 of 1984), was promulgated by the Governor of Kerala on the 12th day of April 1984;

AND WHEREAS a Bill to replace Ordinance 28 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 28 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title.*—This Ordinance may be called the Kerala Civil Courts (Amendment) Ordinance, 1984.

2. *Act 1 of 1957 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Civil Courts Act, 1957 (1 of 1957) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section* 11.—In sub-section (2) of section 11 of the principal Act, for the words "five thousand rupees", the words "fifteen thousand rupees" shall be, and shall be deemed to have been, substituted with effect from the 6th day of September, 1983.

4. *Amendment of section* 13.—In sub-section (1) of section 13 of the principal Act, for the words "ten thousand rupees", the words "twenty-five thousand rupees" shall be, and shall be deemed to have been, substituted with effect from the 6th day of January, 1984.

5. *Repeal and saving.*—(1) The Kerala Civil Courts (Amendment) Ordinance, 1984 (28 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 8872/Leg.B2/84/Law. *Dated, Trivandrum, 28th July, 1984*
6th Sravana, 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3264/MG.

ORDINANCE No. 49 OF 1984

THE KERALA FISHERMEN WELFARE SOCIETIES (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Fishermen Welfare Societies Act, 1980.

Preamble.—WHEREAS the Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1983 (19 of 1983), was promulgated by the Governor of Kerala on the 3rd day of June, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1983 (23 of 1983), was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 23 of 1983 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 23 of 1983, the Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1984 (5 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 5 of 1984 could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 5 of 1984, the Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1984 (25 of 1984), was promulgated by the Governor of Kerala on the 9th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 25 of 1984 could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 25 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 4th day of June, 1983.

2. *Act 7 of 1981 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Fishermen Welfare Societies Act, 1980 (7 of 1981) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 9.*—In section 9 of the principal Act,—

(i) to sub-section (1), the following proviso shall be added, namely:—

"Provided that the first committee after the commencement of this Act, of every society shall consist of not less than six and not more than ten members nominated by the Government.";

(ii) to sub-section (4), the following proviso shall be added, namely:—

"Provided that a member of the first committee after the commencement of this Act shall hold office for a period of three years from the date of his nomination.".

4. *Amendment of section 10.*—In section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The Government may remove from office any member of the first committee after the commencement of this Act, who—

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) is absent without leave of the committee for more than three consecutive meetings of the committee:

Provided that no such member shall be removed on the ground mentioned in clause (a) without giving him an opportunity of being heard.".

5. *Repeal and saving.*—(1) The Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1984 (25 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,
GOVERNOR.

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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 10841/Leg. B2/84/Law. *Dated, Trivandrum, 28th July,* 1984 / *6th Sravana,* 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,
K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3266/MG

ORDINANCE No. 51 OF 1984

THE KERALA PUBLIC BUILDINGS (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968.

Preamble.—WHEREAS the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1983 (4 of 1983), was promulgated by the Governor of Kerala on the 4th day of February, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1983 (14 of 1983), was promulgated by the Governor of Kerala on the 6th day of April, 1983;

AND WHEREAS a Bill to replace Ordinance 14 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 14 of 1983, the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1983 (27 of 1983), was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 27 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and on ended the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 27 of 1983, the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1984 (11 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 11 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984.

AND WHEREAS in order to keep alive the provisions of Ordinance 11 of 1984, the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1984 (24 of 1984), was promulgated by the Governor of Kerala on the 10th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 24 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 24 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1984.

(2) It shall be deemed to have come into force on the 7th day of February, 1983.

2. *Act* 25 *of* 1968 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Public Buildings (Eviction of Unauthorised Occupants) Act, 1968 (25 of 1968) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 9 (both inclusive).

3. *Amendment of section* 2.—In section 2 of the principal Act,—

(1) clause (a) shall be re-lettered as clause (aaa) and before that clause, the following clauses shall be inserted namely:—

"(a) "company" means a company in which not less than fifty-one per cent of the paid up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala and includes a company which is a subsidiary of any such company;

(aa) "corporation" means a corporation established or constituted by or under any Central or State Act and owned or controlled by the Government of Kerala;";

(2) in clause (d), in the opening paragraph, after the words "or a local authority", the words "or a company or a corporation" shall be inserted.

4. *Amendment of section* 3.—In section 3 of the principal Act, for the proviso to clause (a), the following proviso shall be substituted, namely:—

"Provided that—

(i) in the case of a local authority, the executive authority of that local authority; and

(ii) in the case of a company or a corporation, an officer of that company or corporation,

shall be appointed as estate officer;".

5. *Amendment of section* 6.—In section 6 of the principal Act, in sub-section (2), after the words "or the local authority", the words "or the company or the corporation" shall be inserted.

6. *Amendment of section* 12.—In section 12 of the principal Act, in sub-section (2), for the words " or to a local authority", the words "or a local authority or a company or a corporation" shall be substituted.

7. *Amendment of section* 13.—In section 13 of the principal Act, for the words, " or to a local authority", the words "or a local authority or a company or a corporation" shall be substituted.

8. *Amendment of section* 14.—In section 14 of the principal Act, after the words "or the local authority", the words "or the company or the corporation" shall be inserted.

9. *Amendment of section* 17.—In section 17 of the principal Act, after the words "or a local authority", the words "or a company or a corporation" shall be inserted.

10. *Repeal and saving.*—(1) The Kerala Public Buildings (Eviction of Unauthorised Occupants) Amendment Ordinance, 1984 (24 of 1984). is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

Government of Kerala
1984

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KERALA GAZETTE

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 9688/Leg.C2/84/Law.

Dated, Trivandrum, 28*th July*, 1984/
6*th Sravana*, 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3268/MC.

ORDINANCE No. 53 OF 1984

THE KERALA MUNICIPALITIES (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Municipalities Act, 1960.

Preamble.—WHEREAS the Kerala Municipalities (Amendment) Ordinance, 1982 (2 of 1982), was promulgated by the Governor of Kerala on the 30th day of September, 1982;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Municipalities (Amendment) Ordinance, 1983 (10 of 1983), was promulgated by the Governor of Kerala on the 6th day of April, 1983;

AND WHEREAS a Bill to replace Ordinance 10 of 1983 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 10 of 1983 the Kerala Municipalities (Amendment) Ordinance, 1983 (24 of 1983), was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 24 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 24 of 1983 the Kerala Municipalities (Amendment) Ordinance, 1984 (1 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 1 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS the maximum period of seventy-two months upto which the Government may extend the time for election of Councillors of a newly constituted municipality under sub-section (2) of section 412 of the Kerala Municipalities Act, 1960 (14 of 1961), as amended by Ordinance 1 of 1984 would have expired on the 31st day of March, 1984, in the case of the Kothamangalam Municipality;

AND WHEREAS it was necessary to extend the period within which the election of the Councillors of the said Municipality were to be held for a further period;

AND WHEREAS it was necessary to empower the Government to extend the period upto which the election of Councillors of a newly constituted municipality may be postponed from seventy-two months to eighty-four months;

AND WHEREAS in order to keep alive the provisions of Ordinance 1 of 1984, with the above modification, the Kerala Municipalities (Amendment) Ordinance, 1984 (21 of 1984), was promulgated by the Governor of Kerala on the 31st day of March, 1984;

AND WHEREAS a Bill to replace Ordinance 21 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 21 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Municipalities (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 30th day of September, 1982.

2. *Act* 14 *of* 1961 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Municipalities Act, 1960 (14 of 1961) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section* 412.—In sub-section (2) of section 412 of the principal Act, for the words "forty-five months", the words "eighty-four months" shall be substituted.

4. *Repeal and saving.*—(1) The Kerala Municipalities (Amendment) Ordinance, 1984 (21 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

Government of Kerala
1984

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 10549/Leg.C1/84/Law. *Dated, Trivandrum, 28th July, 1984/ 6th Sravana, 1906*

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3269/MC.

ORDINANCE No. 54 OF 1984

THE KERALA EDUCATION (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Education Act, 1958.

Preamble.—WHEREAS the Kerala Education (Amendment) Ordinance, 1982 (3 of 1982), was promulgated by the Governor of Kerala on the 11th day of October, 1982;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Education (Amendment) Ordinance, 1983 (12 of 1983), was promulgated by the Governor of Kerala on the 6th day of April, 1983;

AND WHEREAS a Bill to replace Ordinance 12 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 12 of 1983, the Kerala Education (Amendment) Ordinance, 1983 (25 of 1983), was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 25 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 25 of 1983, the Kerala Education (Amendment) Ordinance, 1984 (3 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 3 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd March, 1984 and ended on the 27th March 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 3 of 1984, the Kerala Education (Amendment) Ordinance, 1984 (27 of 1984), was promulgated by the Governor of Kerala on the 10th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 27 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 27 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive:

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Education (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 13th day of October, 1982.

2. *Act 6 of* 1959 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Education Act, 1958 (6 of 1959) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section* 36.—In sub-section (1) of section 36 of the principal Act, after the words "The Government may make rules", the words "either prospectively or retrospectively," shall be inserted.

4. *Repeal and saving.*—(1) The Kerala Education (Amendment) Ordinance, 1984 (27 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,
GOVERNOR.

Government of Kerala
1984

Reg No. KL/IV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 9937/Leg.C1/84/Law. *Dated, Trivandrum, 28th July,* 1984/ *6th Sravana,* 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3270/MC.

ORDINANCE No. 55 OF 1984

THE UNIVERSITY LAWS (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala University Act, 1974 *and the Calicut University Act,* 1975.

Preamble.—WHEREAS the University Laws (Amendment) Ordinance, 1982 (6 of 1982), was promulgated by the Governor of Kerala on the 17th day of November, 1982;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the University Laws (Amendment) Ordinance, 1983 (11 of 1983), was promulgated by the Governor of Kerala on the 6th day of April, 1983;

AND WHEREAS a Bill to replace Ordinance 11 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 11 of 1983, the University Laws (Amendment) Ordinance, 1983 (26 of 1983), was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 26 of 1983 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 26 of 1983, the University Laws (Amendment) Ordinance, 1984 (2 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 2 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 2 of 1984, the University Laws (Amendment) Ordinance, 1984 (36 of 1984), was promulgagted by the Governor of Kerala on the 13th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 36 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 36 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the University Laws (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 18th day of November, 1982.

2. *Act* 17 *of* 1974 *and* 5 *of* 1975 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala University Act, 1974 (17 of 1974) and the Calicut University Act, 1975 (5 of 1975), shall have effect subject to the amendments specified in section 3 and section 4 respectively.

3. *Amendment of Act* 17 *of* 1974.—In the Kerala University Act, 1974 (17 of 1974), in section 56,—

(a) in sub-section (1), after the words "affiliation to the University of any college", the words "or for affiliation in new courses in any affiliated college" shall be inserted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

ORDINANCE No. 55 OF 1984

THE UNIVERSITY LAWS (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala University Act, 1974 *and the Calicut University Act,* 1975.

Preamble.—WHEREAS the University Laws (Amendment) Ordinance, 1982 (6 of 1982), was promulgated by the Governor of Kerala on the 17th day of November, 1982;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of February, 1983 and ended on the 30th day of March, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the University Laws (Amendment) Ordinance, 1983 (11 of 1983), was promulgated by the Governor of Kerala on the 6th day of April, 1983;

AND WHEREAS a Bill to replace Ordinance 11 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 11 of 1983, the University Laws (Amendment) Ordinance, 1983 (26 of 1983), was promulgated by the Governor of Kerala on the 20th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 26 of 1983 by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of Ordinance 26 of 1983, the University Laws (Amendment) Ordinance, 1984 (2 of 1984), was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 2 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 2 of 1984, the University Laws (Amendment) Ordinance, 1984 (36 of 1984), was promulgated by the Governor of Kerala on the 13th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 36 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 36 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the University Laws (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 18th day of November, 1982.

2. *Act* 17 *of* 1974 *and* 5 *of* 1975 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala University Act, 1974 (17 of 1974) and the Calicut University Act, 1975 (5 of 1975), shall have effect subject to the amendments specified in section 3 and section 4 respectively.

3. *Amendment of Act* 17 *of* 1974.—In the Kerala University Act, 1974 (17 of 1974), in section 56,—

(a) in sub-section (1), after the words "affiliation to the University of any college", the words "or for affiliation in new courses in any affiliated college" shall be inserted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The terms and conditions of affiliation of a college or of affiliation in new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes:

Provided that the Chancellor may, by notification in the Gazette, for reasons to be specified in the notification, extend the period within which the Syndicate shall consider any application under sub-section (1), whether such period has already expired or not, by such further period, not exceeding one year, as may be specified in such notification.".

4. *Amendment of Act 5 of* 1975.—In the Calicut University Act, 1975 (5 of 1975), in section 56,—

(a) in sub-section (1), after the words "affiliation to the University of any college", the words "or for affiliation in new courses in any affiliated college" shall be inserted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The terms and conditions of affiliation of a college or of affiliation in new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes:

Provided that the Chancellor may, by notification in the Gazette, for reasons to be specified in the notification, extend the period within which the Syndicate shall consider any application under sub-section (1), whether such period has already expired or not, by such further period, not exceeding one year, as may be specified in such notification.".

5. *Repeal and saving.*—(1) The University Laws (Amendment) Ordinance, 1984 (36 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Kerala University Act, 1974 (17 of 1974), or the Calicut University Act, 1975 (5 of 1975), as amended by the said Ordinance, shall be deemed to have been done or taken under the Kerala University Act, 1974 or, as the case may be, the Calicut University Act, 1975, as amended by this Ordinance.

P. RAMACHANDRAN.

GOVERNOR

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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 10730/Leg.B1/84/Law. *Dated, Trivandrum, 28th July, 1984/ 6th Sravana,* 1906.

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3262/MC

ORDINANCE No. 47 OF 1984

THE KERALA PRESERVATION OF TREES ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to provide for the preservation of trees in the State of Kerala.

Preamble.—WHEREAS there has been indiscriminate felling and destruction of trees in the State of Kerala resulting in considerable soil erosion and destruction and loss of the timber wealth of the State;

AND WHEREAS with a view to prevent soil erosion and destruction and loss of the timber wealth in the State, it is necessary to regulate the felling and destruction of trees in the State;

AND WHEREAS the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (21 of 1983) was promulgated by the Governor of Kerala on the 17th day of June, 1983 for the above purposes;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (29 of 1983) was promulgated by the Governor of Kerala on the 29th day of August, 1983;

AND WHEREAS a Bill to replace Ordinance 29 of 1983 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December 1983;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 29 of 1983 ceased to operate on the 6th day of January, 1984;

AND WHEREAS on a review of the implementation of the provisions of the said Ordinance, the Government were satisfied that it was not necessary to impose regulation on cultivation in hill areas;

AND WHEREAS in order to keep alive the other provisions of the said Ordinance, the Kerala Preservation of Trees Ordinance, 1984 (15 of 1984) was promulgated by the Governor of Kerala on the 15th day of February, 1984;

AND WHEREAS a Bill to replace Ordinance 15 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 15 of 1984, the Kerala Preservation of Trees Ordinance, 1984 (31 of 1984) was promulgated by the Governor of Kerala on the 13th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 31 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Pre ervation of Trees Ordinance, 1984.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 18th day of June, 1983.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "appellate authority" means an appellate authority appointed under sub-section (2) of section 3;

(b) "authorised officer" means an officer appointed under sub-section (1) of section 3;

(c) "owner" in relation to any land, includes a mortgagee, lessee or other person having right to possession and enjoyment of that land;

(d) "prescribed" means prescribed by rules made under this Ordinance;

(e) "tree" means any of the following species of trees, namely:—

Sandalwood (Santalum album), Teak (Tectona grandis), Rosewood (Dalbergia latifolia), Irul (Xylia Xylocarpa), Thempavu (Terminalia tomantosa), Kampakam (Hopea parviflora), Chempakam (Michelia chempaca), Ghadachi (Grewia tiliaefolia), Chandana vempu (Cedrela toona), Gheeni (Tetrameles nudiflora).

3. *Authorised officers and appellate authorities.*—(1) The Government may by notification in the Gazette, appoint such officers as they think fit to be authorised officers for the purposes of this Ordinance and may assign to them such local limits as the Government think fit.

(2) The Government may, by notification in the Gazette, appoint such officers as they think fit to be appellate authorities for the purposes of this Ordinance and may assign them such local limits as the Government think fit.

4. *Restriction regarding cutting, etc., of trees.*—(1) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree.

(2) The permission under sub-section (1) shall not be refused if—

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen:

Provided that where permission to cut a tree is granted on the ground specified in clause (a) or clause (b), the authorised officer shall impose as a condition for the grant of such permission the effective regeneration of an equal number of the same or other suitable species of trees; or

(c) such cutting is to enable the owner of the land in which the tree stands to use the area cleared or the timber cut for the construction of a building for his own use.

(3) No person shall cut or otherwise damage, or cause to be cut or otherwise damaged, the branch of any tree:

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(4) No preson shall, without the previous permission in writing of the authorised officer, destroy any plant of any tree or do any act which diminishes the value of any such plant.

(5) Nothing contained in sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) shall apply in respect of any tree or plant in the compound of any residential building:

Provided that where such compound exceeds 0.8 hectare in extent, the provisions of this sub-section shall apply only in respect of an extent of 0.8 hectare immediately surrounding the residential building.

5. *Prohibition of cutting of tree in notified areas.*—(1) Notwithstanding anything contained in any law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority, or in any agreement or other arrangement, the Government may, with a view to preserving the tree growth in private forests or in the Cardamom Hills Reserve or in any other areas cultivated with cardamom, by notification in the Gazette, direct that no tree standing in any such area specified in the notification shall be cut, uprooted or burnt except on the ground that—

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen:

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(2) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree in any area specified in the notification under sub-section (1) on any of the grounds specified therein.

Explanation I.—For the purposes of this section, the term "tree" shall include any species of tree.

Explanation II.—For the purposes of sub-section (2), the expression "private forest" means any land which immediately before the 10th day of May, 1971, was a private forest as defined in the Kerala Private Forests (Vesting and Assignment) Act, 1971.

6. *Application for permission.*—(1) Every application for permission under section 4 or section 5 shall be in such form and shall contain such particulars as may be prescribed and shall be made to the authorised officer.

(2) The procedure to be followed by the authorised officer in granting or refusing permission under section 4 or section 5 shall be such as may be prescribed.

7. *Appeal.*—(1) Any person aggrieved by an order refusing to grant permission under section 4 or section 5 may, within ninety days of the receipt of such order, prefer an appeal to the appellate authority:

Provided that the appellate authority may admit an appeal preferred after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) An appeal under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such order thereon as it thinks fit.

8. *Revision.*—(1) The Government may, either *suo motu* or on application by any person aggrieved by an order of the appellate authority under section 7, call for and examine the record of any order passed by the appellate authority for the purpose of satisfying themselves as to the legality, propriety or regularity of such order and pass such order thereon as they think fit.

(2) The Government shall not of their own motion revise any order under sub-section (1) if that order has been passed more than three months previously.

(3) An application under sub-section (1) by an aggrieved person shall be made within a period of sixty days from the date on which the order of the appellate authority was communicated to him:

Provided that the Government may admit an application made after the expiry of the said period of sixty days, if they are satisfied that the applicant had sufficient cause for not making the application within that period.

(4) An order prejudicial to a person shall not be passed under sub-section (1) unless that person has been given a reasonable opportunity of showing cause against such order.

Explanation.—An order declining to interfere shall, for the purposes of this sub-section, be deemed to be an order prejudicial to a person.

9. *Penalties.*—Whoever contravenes any of the provisions of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5 or any of the terms and conditions subject to which a permission has been granted under this Ordinance shall be punishable,—

(a) in the case of first offence, with imprisonment for a term which shall not be less than six months but which may extend to two years, and with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees; and

(b) in the case of a second or subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees.

10. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director",—

(i) in relation to a firm, means a partner in the firm;

(ii) in relation to a society or other association of individuals means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

11. *Powers of authorised officers and appellate authorities.*—Every authorised officer and appellate authority shall, for the purpose of performing his or its functions under this Ordinance, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

12. *Powers of entry and inspection.*—The authorised officer or any other officer generally or specially authorised by the Government in this behalf may, with such assistants, if any, being persons in the service of the Government, as he thinks fit, at all reasonable times enter upon any land for the purpose of ascertaining whether any of the provisions of this Ordinance or any of the terms and conditions subject to which any permission has been granted under this Ordinance has been contravened.

13. *Power to seize timber and other articles involved in commission of offence.*—(1) Where any officer of the Forest Department not below the rank of Forester or any Police Officer not below the rank of Sub Inspector has reason

to believe that any tree has been cut in contravention of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, he may seize the timber of such tree together with all tools, ropes, chains and other articles used in the commission of such offence and all boats, vehicles and cattle used for carrying such timber.

Explanation.—The terms "boat" and "vehicle" in this section, section 14 and section 15 shall include all the articles and machinery kept in the boat or vehicle, as the case may be, whether fixed to the same or not.

(2) Every officer seizing any timber under sub-section (1) shall place on such timber a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the authorised officer.

(3) On receipt of a report under sub-section (2), the authorised officer shall,—

(a) if he is satisfied that the timber mentioned in such report is of any tree cut in contravention of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, make a report of such seizure to the Judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if he is not so satisfied, make a report of such seizure to such authority as may be prescribed.

(4) The authority to which a report is made under clause (b) of sub-section (3) shall,—

(a) if it is satisfied that the timber mentioned in such report is of any tree cut in contravention of section 4, or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, make a report of the seizure of such timber to the Judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if it is not so satisfied, order that such timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized along with it shall be returned to the person from whom they were seized.

14. *Power to release property seized under section* 13.—The authorised officer may release any timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized under section 13 and in respect of which a report has been made to the Judicial Magistrate of the First Class under clause (a) of sub-section (3) or clause (a) of sub-section (4) of that section, on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before such Magistrate.

15. *Procedure by Magistrate.*—Upon the receipt of a report under clause (a) of sub-section (3) or clause (a) of sub-section (4) of section 13, the Magistrate shall take such measures as may be necessary for the trial of the accused

and the disposal of the timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized along with it, according to law.

16. *Procedure as to perishable property seized under section 13.*—(1) Notwithstanding anything hereinbefore contained,—

(a) the Magistrate to whom a report is made under section 13 may direct the sale of any property seized under that section, which is subject to speedy and natural decay; and

(b) if, in the opinion of the authorised officer, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale proceeds into the nearest Government Treasury and make a report of such seizure, sale and remittance to the Magistrate referred to in the said clause, and thereupon such Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property sold under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.

17. *Saving of power to release property seized.*—Nothing hereinbefore contained shall be deemed to prevent the authorised officer from directing at any time the immediate release of any property seized under section 13 and the withdrawal of any charge made in respect of such property:

Provided that the powers under this section shall be exercised by the authorised officer only for good and sufficient reasons to be recorded in writing and with the previous approval in writing of the Chief Conservator of Forests.

18. *Institution of prosecution.*—No prosecution shall be instituted against any person without the sanction of the authorised officer.

19. *Cognizance of offences.*—No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Ordinance.

20. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Ordinance required to be settled, decided or dealt with or to be determined by any officer or authority or the Government.

21. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority or any other person for anything which is in good faith done or purporting to have been done under this Ordinance or any rule or order made thereunder.

22. *Restriction regarding cutting, etc. of trees in future assignments.*—Notwithstanding anything contained in any law for the time being in force, any assignment after the commencement of this Ordinance of land belonging to the Government, under any law for the time being in force shall be subject

to the condition that the assignee shall not, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree standing on such land at the time of such assignment, and the provisions of this Ordinance shall apply in relation to such permission as if they apply in relation to a permission under section 4.

23. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the girth of trees which may be permitted to be cut;

(b) the terms and conditions subject to which permission may be granted;

(c) the procedure to be followed by the authorised officer before granting or refusing permission;

(d) the procedure to be followed by the appellate authority in the disposal of an appeal under section 7;

(e) any other matter which has to be, or may be, prescribed.

24. *Laying of notifications and rules before Legislative Assembly.*—Every notification issued under sub-section (1) of section 5 and every rule made under section 23 shall be laid, as soon as may be after it is issued or made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or rule or decides that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

25. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, as occasion may require, by order, do anything not inconsistent with such provisions, which may appear to them to be necessary for removing the difficulty.

26. *Repeal and Saving.*—(1) The Kerala Restriction on Cutting and Destruction of Valuable Trees Act, 1974 (7 of 1974), and the Kerala Preservation of Trees Ordinance, 1984 (31 of 1984) are hereby repealed.

(2) Notwithstanding the repeal of the Kerala Preservation of Trees Ordinance, 1984 (31 of 1984) anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance:

Provided that no person convicted of an offence with respect to anything so deemed to have been done under this Ordinance, shall be subjected to a penalty greater than that which might have been inflicted under the law applicable to such offence, in force at the time of the commission of such offence:

Provided further that nothing contained in this section shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him after the 1st day of August, 1983 and before the 30th day of August, 1983 and after the 6th day of January, 1984 and before the 15th day of February, 1984.

P. RAMACHANDRAN,

GOVERNOR.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 9689/Leg.B1/84/Law. *Dated, Trivandrum, 28th July, 1984*
6th Sravana, 1906.

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. Sreedharan,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/3263/MG.

ORDINANCE No. 48 OF 1984

THE IRRIGATION LAWS (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

further to amend the Madras Irrigation Cess Act, 1865 *and the Malabar Irrigation Works (Construction and Levy of Cess) Act,* 1947.

Preamble.—WHEREAS the Irrigation Laws (Amendment) Ordinance, 1983 (33 of 1983) was promulgated by the Governor of Kerala on the 23rd day of September, 1983;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Irrigation Laws (Amendment) Ordinance, 1984 (6 of 1984); was promulgated by the Governor of Kerala on the 5th day of January, 1984;

AND WHEREAS a Bill to replace Ordinance 6 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 6 of 1984, the Irrigation Laws (Amendment) Ordinance, 1984 (26 of 1984) was promulgated by the Governor of Kerala on the 11th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 26 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 26 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Irrigation Laws (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 24th day of September, 1983.

2. *Madras Act VII of* 1865 *and Madras Act VII of* 1947 *to be temporarily amended.*—During the period of operation of this Ordinance, the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865) and the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947), as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), shall have effect subject to the amendments specified in sections 3 and 4 respectively.

3. *Amendment of Madras Act VII of* 1865.—Section 2 of the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865), shall be renumbered as sub-section (1) of that section and—

(a) in sub-section (1) as so renumbered, after the words "water cess payable under this Act", the words "together with the interest due thereon" shall be inserted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Arrears of water cess payable under this Act shall bear interest at the rate of four per cent per annum.".

4. *Amendment of Madras Act VII of* 1947.—Section 13 of the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947) shall be renumbered as sub-section (1) of that section and—

(a) in sub-section (1) as so renumbered, after the words "under this Act", the words "and the interest due thereon" shall be inserted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Arrears of water cess payable under this Act shall bear interest at the rate of four per cent per annum.".

5. *Repeal and saving.*—(1) The Irrigation Laws (Amendment) Ordinance 1984 (26 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865), or the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947), as amended by the said Ordinance, shall be deemed to have been done or taken under the Madras Irrigation Cess Act, 1865 or, as the case may be, the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947, as amended by this Ordinance.

P. RAMACHANDRAN,
GOVERNOR.

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 10442/Leg.C1/84/Law. *Dated, Trivandrum, 28th July,* 1984
6th Sravana, 1906

The following Ordinance promulgated by the Governor on the 28th day of July, 1984, is hereby published for general information.

By order of the Governor,

K. SREEDHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1984.

33/3271/MC.

ORDINANCE No. 56 OF 1984

THE KERALA GRANDHASALA SANGHAM (TAKING OVER OF MANAGEMENT) AMENDMENT ORDINANCE, 1984.

Promulgated by the Governor of Kerala in the Thirty-fifth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Grandhasala Sangham (Taking Over of Management) Act, 1977.

Preamble.—WHEREAS the Kerala Grandhasala Sangham(Taking Over of Management) Amendment Ordinance, 1984 (16 of 1984), was promulgated by the Governor of Kerala on the 15th day of February, 1984;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 2nd day of March, 1984 and ended on the 27th day of March, 1984;

AND WHEREAS in order to keep alive the provisions of the said Ordinance, the Kerala Grandhasala Sangham (Taking Over of Management) Ordinance, 1984 (37 of 1984), was promulgated by the Governor of Kerala on the 13th day of April, 1984;

AND WHEREAS a Bill to replace Ordinance 37 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 18th day of June, 1984 and ended on the 27th day of July, 1984;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 37 of 1984 will cease to operate on the 30th day of July, 1984;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Grandhasala Sangham (Taking Over of Management) Amendment Ordinance, 1984.

(2) It shall be deemed to have come into force on the 1st day of April, 1982.

2. *Act 19 of 1977 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Grandhasala Sangham (Taking Over of Management) Act, 1977 (19 of 1977) (hereinafter referred to as the principal Act), shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 3.*—In section 3 of the principal Act, in the proviso to sub-section (6), for the words "five years", the words "ten years" shall be substituted.

4. *Validation.*—Notwithstanding anything contained in the principal Act, or in any other law for the time being in force, the term of office of the members of the Board of Control appointed under section 3 of the principal Act by notification No. 5895/A3/80/H. Edn. dated the 21st April, 1980, published in the Kerala Gazette Extraordinary No. 284 dated the 21st April, 1980, which expired on the 20th day of April, 1982, shall be deemed to have been extended upto and including the date of publication of the Kerala Grandhasala Sangham (Taking Over of Management) Amendment Ordinance, 1984 (16 of 1984), in the Gazette by notification under the proviso to sub-section (6) of the said section as amended by this Ordinance, and accordingly

anything done or any action taken by the Government or the said Board of Control or any other person or authority in the purported exercise of the powers and functions conferred by or under the principal Act shall not be deemed to be invalid or ever to have been invalid merely on the ground that the term of office of the members of the Board of Control aforesaid had expired on the said date.

5. *Repeal and saving.*—(1) The Kerala Grandhasala Sangham (Taking Over of Management) Amendment Ordinance, 1984 (3 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.